

## EIGHTY-FIFTH DAY

(Monday, June 19, 1939)

The House met at 10:00 o'clock a. m., pursuant to adjournment, and was called to order by Speaker Morse.

The roll of the House was called, and the following Members were present:

|                   |                    |
|-------------------|--------------------|
| Mr. Speaker       | Gilmer             |
| Allen             | Goodman            |
| Allison           | Gordon, Mrs.       |
| Alsup             | Hale               |
| Bailey            | Hamilton           |
| Baker             | Hankamer           |
| of Fort Bend      | Hardeman           |
| Baker of Grayson  | Hardin             |
| Bell              | Harp               |
| Blankenship       | Harper             |
| Boethel           | Harrell of Bastrop |
| Bond              | Harrell of Lamar   |
| Boyd              | Harris             |
| Boyer             | Hartzog            |
| Bradbury          | Heflin             |
| Bradford          | Holland            |
| Bray              | Howard             |
| Bridgers          | Howington          |
| Broadfoot         | Hull               |
| Brown of Cherokee | Hunt               |
| Brown             | Isaacks            |
| of Nacogdoches    | Johnson of Ellis   |
| Bundy             | Johnson of Tarrant |
| Burkett           | Keith              |
| Burney            | Kennedy            |
| Cauthorn          | Kern               |
| Celaya            | Kerr               |
| Chambers          | Kersey             |
| Clark             | Kinard             |
| Cleveland         | King               |
| Cockrell          | Langdon            |
| Coleman           | Lehman             |
| Colquitt          | Leonard            |
| Colson, Mrs.      | Leyendecker        |
| Cornett           | Little             |
| Corry             | Lock               |
| Crossley          | Loggins            |
| Daniel            | London             |
| Davis of Jasper   | Mays               |
| Davis of Upshur   | McAlister          |
| Dean              | McDaniel           |
| Derden            | McDonald           |
| Dickison          | McFarland          |
| Dickson           | McMurry            |
| Donaghey          | McNamara           |
| Dowell            | Mohrmann           |
| Dwyer             | Monkhouse          |
| Faulkner          | Montgomery         |
| Felty             | Morris             |
| Ferguson          | Newell             |
| Fielden           | Nicholson          |
| Fuchs             | Oliver             |
| Galbreath         | Pace               |

|                  |            |
|------------------|------------|
| Petsch           | Stinson    |
| Pevehouse        | Stoll      |
| Piner            | Talbert    |
| Pope             | Tarwater   |
| Ragsdale         | Taylor     |
| Reader of Erath  | Tennant    |
| Reaves           | Thornberry |
| Reed             | Thornton   |
| Rhodes           | Turner     |
| Riviere          | Vale       |
| Roach            | Vint       |
| Roberts          | Voigt      |
| Robinson         | Waggoner   |
| Russell          | Weldon     |
| Schuenemann      | Wells      |
| Segrist          | Westbrook  |
| Shell            | White      |
| Skiles           | Wilson     |
| Smith of Frio    | Winfree    |
| Smith of Hopkins | Wood       |
| Smith            | Worley     |
| of Matagorda     | Wright     |
| Spencer          |            |

Absent—Excused

Anderson Reader of Bexar

A quorum was announced present.

Prayer was offered by Rev. George W. Coltrin, Chaplain, as follows:

"Lord, Thou hast bountifully blessed us and our goodly State. Wherein we may differ as to the administration of Thy bounties may we differ as men, conceding the same liberty to others that we claim for ourselves. Grant that the issues of these days shall be of Thine own will and choosing. In Jesus' name. Amen."

## LEAVES OF ABSENCE GRANTED

The following Members were granted leaves of absence on account of important business:

Mr. Anderson for today, on motion of Mr. Thornton.

Mr. Reader of Bexar for today, on motion of Mr. McDonald.

OPINION OF ATTORNEY GENERAL ON HOUSE JOINT  
RESOLUTION  
NO. 45

The Speaker laid before the House, and had read, the following opinion from the Attorney General in regard to House Joint Resolution No. 45:

Austin, Texas, June 14, 1939.

Hon. R. Emmett Morse, Speaker of the House of Representatives.

Dear Sir:

Opinion Number 0-979 Re: Con-

struction of House Joint Resolution No. 45.

We are in receipt of your letter of June 13, 1939, in which you request an opinion as to whether or not bonds issued under the authority of such a Constitutional amendment as proposed in said House Joint Resolution No. 45 would constitute valid and legal obligations of such county.

We quote here the pertinent provisions of the resolution which we think are contained in Section 1, paragraph 1 of said resolution, which reads, as follows:

"Upon the vote of a majority of the resident qualified electors owning taxable property therein so authorizing, the Commissioners' Court of Red River County, Texas, may levy an annual tax not to exceed twenty-five (25c) cents on the One Hundred Dollars valuation for a period not to exceed fifteen (15) years, for the purpose of refunding all the outstanding warrant indebtedness of the General Fund of such county and issue bonds under the provisions of the General Law regulating the issuance of bonds to refund said indebtedness."

It is the opinion of this department that the bonds sought to be issued under authority of the proposed amendment would be valid and legal obligations of such county, but only to the extent that same are issued and exchanged for legal and valid outstanding warrant indebtedness, in such manner as is now provided by General Law. The proposed amendment seeks only to change the Constitutional provisions with reference to the levy of taxes insofar as same affects Red River County, and we do not think it in anywise alters the General Laws appertaining to the issuance of funding or refunding bonds. Accordingly, we are of the opinion that the legality of the warrants sought to be funded must be determined before the Attorney General could properly approve the bonds to be issued in lieu of and in exchange for such outstanding warrant indebtedness. The resolution, clearly, does not undertake to validate all warrant indebtedness now outstanding against the General Fund of Red River County.

Trusting that this satisfactorily answers your question, we are

Very truly yours,

Attorney General of Texas.

By CLARENCE E.  
CROWE, Assistant.

Approved:

GERALD C. MANN,  
Attorney General of Texas.

#### HOUSE JOINT RESOLUTION NO. 45 ON FINAL PASSAGE

Mr. Cornett moved to suspend all necessary Rules for the purpose of making a motion to reconsider the vote by which House Joint Resolution No. 45 was passed to engrossment.

The motion to suspend the Rules prevailed by the following vote:

Yeas—120

|                   |                    |
|-------------------|--------------------|
| Allen             | Ferguson           |
| Allison           | Fielden            |
| Alsup             | Fuchs              |
| Bailey            | Galbreath          |
| Baker             | Goodman            |
| of Fort Bend      | Gordon, Mrs.       |
| Baker of Grayson  | Hale               |
| Bell              | Hamilton           |
| Blankenship       | Hankamer           |
| Boethel           | Hardin             |
| Bond              | Harp               |
| Boyd              | Harper             |
| Bradbury          | Harrell of Bastrop |
| Bridgers          | Harrell of Lamar   |
| Brown of Cherokee | Harris             |
| Brown             | Heflin             |
| of Nacogdoches    | Holland            |
| Bundy             | Howington          |
| Burkett           | Hull               |
| Burney            | Hunt               |
| Cauthorn          | Isaacks            |
| Celaya            | Johnson of Ellis   |
| Chambers          | Johnson of Tarrant |
| Clark             | Kennedy            |
| Cleveland         | Kern               |
| Cockrell          | Kerr               |
| Coleman           | Kersey             |
| Colson, Mrs.      | King               |
| Cornett           | Langdon            |
| Corry             | Lehman             |
| Crossley          | Leonard            |
| Daniel            | Leyendecker        |
| Davis of Upshur   | Little             |
| Dean              | Lock               |
| Derden            | Loggins            |
| Dickison          | London             |
| Donaghey          | Mays               |
| Dowell            | McDaniel           |
| Dwyer             | McDonald           |
| Faulkner          | McMurry            |

|                 |                  |
|-----------------|------------------|
| McNamara        | Smith of Frio    |
| Mohrmann        | Smith of Hopkins |
| Monkhouse       | Spencer          |
| Montgomery      | Stinson          |
| Morris          | Talbert          |
| Newell          | Tarwater         |
| Oliver          | Taylor           |
| Pevehouse       | Tennant          |
| Piner           | Thornberry       |
| Pope            | Thornton         |
| Ragsdale        | Turner           |
| Reader of Erath | Vint             |
| Reaves          | Voigt            |
| Reed            | Weldon           |
| Rhodes          | Wells            |
| Roach           | Westbrook        |
| Robinson        | White            |
| Russell         | Wilson           |
| Schuenemann     | Winfree          |
| Segrist         | Worley           |
| Shell           | Wright           |

## Nays—12

|           |           |
|-----------|-----------|
| Boyer     | McAlister |
| Bradford  | McFarland |
| Broadfoot | Nicholson |
| Dickson   | Pace      |
| Gilmer    | Roberts   |
| Kinard    | Wood      |

## Absent

|                 |              |
|-----------------|--------------|
| Bray            | Petsch       |
| Colquitt        | Riviere      |
| Davis of Jasper | Skiles       |
| Felty           | Smith        |
| Hardeman        | of Matagorda |
| Hartzog         | Stoll        |
| Howard          | Vale         |
| Keith           | Waggoner     |

## Absent—Excused

|          |                 |
|----------|-----------------|
| Anderson | Reader of Bexar |
|----------|-----------------|

Mr. Cornett then moved to reconsider the vote by which House Joint Resolution No. 45 was passed to engrossment.

The motion to reconsider prevailed.

Question—Shall House Joint Resolution No. 45 be passed?

Mr. Cornett offered the following amendment to the resolution:

Amend House Joint Resolution No. 45, page 2, line 13, by inserting after the word "Tuesday," and before the word "in," the following: "following the first Monday."

The amendment was adopted.

House Joint Resolution No. 45 was then passed by the following vote:

## Yeas—118

|                    |                  |
|--------------------|------------------|
| Allen              | Kennedy          |
| Allison            | Kern             |
| Alsup              | Kerr             |
| Bailey             | Kersey           |
| Baker              | King             |
| of Fort Bend       | Langdon          |
| Baker of Grayson   | Lehman           |
| Bell               | Leonard          |
| Blankenship        | Leyendecker      |
| Boethel            | Little           |
| Bond               | Lock             |
| Boyd               | Loggins          |
| Bradbury           | London           |
| Bridgers           | Mays             |
| Brown of Cherokee  | McDaniel         |
| Brown              | McDonald         |
| of Nacogdoches     | McMurry          |
| Bundy              | McNamara         |
| Burney             | Mohrmann         |
| Cauthorn           | Monkhouse        |
| Celaya             | Montgomery       |
| Chambers           | Morris           |
| Clark              | Newell           |
| Cleveland          | Oliver           |
| Cockrell           | Pevehouse        |
| Colson, Mrs.       | Piner            |
| Cornett            | Pope             |
| Crossley           | Ragsdale         |
| Daniel             | Reader of Erath  |
| Dean               | Reaves           |
| Derden             | Rhodes           |
| Dickison           | Roach            |
| Donaghey           | Robinson         |
| Dowell             | Russell          |
| Dwyer              | Schuenemann      |
| Faulkner           | Segrist          |
| Felty              | Shell            |
| Ferguson           | Skiles           |
| Fielden            | Smith of Frio    |
| Fuchs              | Smith of Hopkins |
| Galbreath          | Spencer          |
| Goodman            | Stinson          |
| Gordon, Mrs.       | Stoll            |
| Hale               | Talbert          |
| Hamilton           | Tarwater         |
| Hankamer           | Taylor           |
| Hardin             | Tennant          |
| Harp               | Thornberry       |
| Harper             | Thornton         |
| Harrell of Bastrop | Turner           |
| Harrell of Lamar   | Vint             |
| Harris             | Voigt            |
| Heflin             | Weldon           |
| Holland            | Wells            |
| Howington          | Westbrook        |
| Hull               | White            |
| Hunt               | Wilson           |
| Isaacks            | Winfree          |
| Johnson of Ellis   | Worley           |
| Johnson of Tarrant | Wright           |

## Nays—18

|                 |           |
|-----------------|-----------|
| Boyer           | Hardeman  |
| Bradford        | Kinard    |
| Broadfoot       | McAlister |
| Burkett         | McFarland |
| Colquitt        | Nicholson |
| Corry           | Pace      |
| Davis of Upshur | Reed      |
| Dickson         | Roberts   |
| Gilmer          | Wood      |

## Absent

|                 |              |
|-----------------|--------------|
| Bray            | Petsch       |
| Coleman         | Riviere      |
| Davis of Jasper | Smith        |
| Hartzog         | of Matagorda |
| Howard          | Vale         |
| Keith           | Waggoner     |

## Absent—Excused

|          |                 |
|----------|-----------------|
| Anderson | Reader of Bexar |
|----------|-----------------|

APPOINTMENT OF CONFERENCE COMMITTEE ON  
SENATE BILL  
NO. 179

The Speaker announced the appointment of the following Conference Committee on Senate Bill No. 179: Messrs. Hardeman, Fuchs, Russell, Clark and Celaya.

EXTENDING CONGRATULATIONS  
OF THE HOUSE

Mr. Kinard offered the following resolution:

H. S. R. No. 324, Extending congratulations of the House of Representatives.

Whereas, There is a demand for men of high courage, initiative and perseverance in our State today more than at any other time in our history; and

Whereas, Widespread unemployment and growing unrest together with the growing demand by many people on the Government for support; and

Whereas, Texas and the Nation is honored with the presence of a man who in the midst of a depression ventured forth in a new field of endeavor, building from the ground up has given to our State through his courage, initiative and foresight a new industry offering employment to many scores of persons; and

Whereas, The Gulf Port Boiler and Welding Works of Port Arthur, Texas, under the direction of its President and General Manager, Mr. Bruno

Schulz, did in 1931 pave the way for the building of all steel-welded barges and sea-going vessels and did recently, in recognition of his services and workmanship, construct for the Federal Government two 110 feet all steel welded cutters for the Coast Guard to be used as ice breakers in our northern waters; and

Whereas, The first of these two vessels, the Aurendal, was launched on June 17 at Port Arthur with many public officials and officers of the Navy present to honor Mr. Schulz and assist in the ceremonies of the successful launching; and

Whereas, The sister ship will be launched on July 15 under the sponsorship of Miss Molly O'Daniel; now, therefore, be it

Resolved, That the Gulf Port Boiler and Welding Works, Inc., under the direction of Mr. Bruno Schulz, President and General Manager, pioneers in the field of all steel welded vessels, having brought to Texas a new industry providing employment in a period of unrest and unemployment, is to be congratulated and commended by the House of Representatives for his courage, initiative and foresight; and, be it further

Resolved, That the House of Representatives of the State of Texas extend to Mr. Bruno Schulz their sincere and best wishes for his continued success in a new enterprise which has already brought Texas national recognition; and, be it further

Resolved, That this resolution be printed in the House Journal and that the Chief Clerk of the House of Representatives be instructed to mail to Mr. Bruno Schulz, President and General Manager of the Gulf Port Boiler and Welding Works, Inc., Port Arthur, Texas, a copy of this resolution.

KINARD,  
NICHOLSON,  
RIVIERE.

The resolution was read second time, and was adopted.

(Mr. Thornton occupied the Chair temporarily.)

(Speaker in the Chair.)

TO SUSPEND CERTAIN RULES

Mr. Talbert moved that the Rules, which permit Members to speak on personal privilege, be suspended, for the duration of the Session.

The motion to suspend the Rules was lost by the following vote:

## Yeas—49

|                    |                  |
|--------------------|------------------|
| Allison            | Kennedy          |
| Baker              | Kinard           |
| of Fort Bend       | Leyendecker      |
| Bradford           | McAlister        |
| Brown of Cherokee  | McDaniel         |
| Burkett            | McFarland        |
| Clark              | Monkhouse        |
| Cleveland          | Nicholson        |
| Cockrell           | Petsch           |
| Colquitt           | Pope             |
| Corry              | Russell          |
| Crossley           | Schuenemann      |
| Dean               | Segrist          |
| Donaghey           | Shell            |
| Fuchs              | Smith of Frio    |
| Gilmer             | Smith of Hopkins |
| Hankamer           | Spencer          |
| Hardeman           | Stinson          |
| Hardin             | Talbert          |
| Harp               | Tennant          |
| Harper             | Turner           |
| Hartzog            | Vale             |
| Heflin             | Voigt            |
| Howard             | Wells            |
| Johnson of Tarrant | Wilson           |

## Nays—81

|                 |                  |
|-----------------|------------------|
| Allen           | Fielden          |
| Bailey          | Galbreath        |
| Bell            | Hale             |
| Blankenship     | Hamilton         |
| Boethel         | Harrell of Lamar |
| Bond            | Holland          |
| Boyd            | Howington        |
| Boyer           | Hull             |
| Bradbury        | Hunt             |
| Bray            | Johnson of Ellis |
| Bridgers        | Kern             |
| Broadfoot       | Kerr             |
| Brown           | Kersey           |
| of Nacogdoches  | King             |
| Burney          | Langdon          |
| Cauthorn        | Lehman           |
| Chambers        | Little           |
| Coleman         | Lock             |
| Colson, Mrs.    | Loggins          |
| Cornett         | London           |
| Daniel          | Mays             |
| Davis of Jasper | McDonald         |
| Davis of Upshur | McNamara         |
| Derden          | Mohrmann         |
| Dickison        | Montgomery       |
| Dickson         | Newell           |
| Dowell          | Oliver           |
| Dwyer           | Pace             |
| Faulkner        | Pevehouse        |
| Felty           | Piner            |
| Ferguson        | Reader of Erath  |

|              |            |
|--------------|------------|
| Reaves       | Tarwater   |
| Reed         | Taylor     |
| Rhodes       | Thornberry |
| Riviere      | Thornton   |
| Roach        | Waggoner   |
| Roberts      | Weldon     |
| Robinson     | Westbrook  |
| Skiles       | Winfree    |
| Smith        | Wood       |
| of Matagorda | Worley     |
| Stoll        |            |

## Absent

|                    |          |
|--------------------|----------|
| Alsup              | Keith    |
| Baker of Grayson   | Leonard  |
| Bundy              | McMurry  |
| Celaya             | Morris   |
| Goodman            | Ragsdale |
| Gordon, Mrs.       | Vint     |
| Harrell of Bastrop | White    |
| Harris             | Wright   |
| Isaacks            |          |

## Absent—Excused

|          |                 |
|----------|-----------------|
| Anderson | Reader of Bexar |
|----------|-----------------|

### ADOPTION OF CONFERENCE COMMITTEE REPORT ON HOUSE BILL NO. 257

The Speaker laid before the House, for consideration, at this time, the Conference Committee Report on House Bill No. 257.

The Report having heretofore been printed in the Journal on Monday, June 12.

(Pending consideration of the Report, Mr. Leonard occupied the Chair, temporarily.)

(Speaker in the Chair.)

On motion of Mr. Thornton, the Report was adopted.

### CONFERENCE COMMITTEE RE- PORT ON HOUSE BILL NO. 933

Mr. Morris submitted the following Conference Committee Report on House Bill No. 933:

Austin, Texas, June 12, 1939.

Honorable R. Emmett Morse, Speaker of the House of Representatives.

Honorable Coke R. Stevenson, President of the Senate.

Sirs: We, your Conference Committee, appointed to adjust the differences between the two Houses on House Bill No. 933, have had the same under consideration, and beg leave to report same back with the recommendation that said House Bill

No. 933 do pass in the form attached hereto.

Respectfully submitted,

MORRIS,  
HARRIS,  
SMITH of Hopkins,  
SCHUENEMANN,  
LONDON,

On the part of the House.

VAN ZANDT,  
AIKIN,  
STONE of Washington,  
ISELL,  
WINFIELD,

On the part of the Senate.

H. B. No. 933

### A BILL

### To Be Entitled

An Act appropriating Six Million, Eight Hundred and Twenty-five Thousand, Eight Hundred Twenty-seven (\$6,825,827.00) Dollars per year, or so much thereof as may be necessary, for the biennium beginning September 1, 1939, and ending August 31, 1941, for the purpose of promoting public school interest and equalizing the educational opportunities afforded by the State to all children of scholastic age within the State; providing for the allotment and expenditure by the State Superintendent of Public Instruction of such funds under the direction and advice of a Joint Legislative Advisory Committee; providing for the transfer of unexpended balances for the year ending August 31, 1940, to the appropriation for the year ending August 31, 1941; attaching conditions, regulations, and limitations relative to the expenditure of such appropriations; providing that schools with certain scholastic population, schools with certain consolidations and schools within certain defined areas may be eligible for aid under the terms of this Act under certain limitations; providing that schools within two and one-half (2½) miles of each other should not receive aid; providing for a teacher-pupil load for schools receiving aid under the provisions of this Act; providing for average daily attendance for schools receiving aid under the provisions of this Act; providing for certain tax levies for schools receiving aid under the provisions of this Act; providing

certain salary schedules as set out by the terms of this Act; providing for length of terms of schools receiving aid under the provisions of this Act; providing the method and manner of paying high school tuition and that same shall be paid according to the provisions of House Bill No. 158, General Laws of the Regular Session, Forty-fourth Legislature, as amended; providing a method of paying high school tuition for high school students transferred from Waco State Home and the school district in which the State Training School for Boys is located; making special provision for school districts containing National Forests or University lands; exempting school attended by Alabama Indians in Polk County from tax provisions; providing for a system of transportation aid in Texas and the method and manner of paying for same; providing for the administrative costs of administering this Act and making certain allocations therefor; providing for the powers of the State Superintendent of Public Instruction and the Joint Legislative Advisory Committee relating to the administration of this Act; providing the method and manner of making application for aid and declaring that all applications so made shall be paid only on the basis of budgetary need shown therefor; defining sparsely settled districts; providing the method and manner of disbursing the allocations herein made; providing for certain miscellaneous provisions; providing the method and manner of reducing applications for aid; granting the Joint Legislative Advisory Committee certain other powers and duties; declaring that should any power or duty of said Committee become inoperative or unperformable for any purpose that said duties or powers shall be performed by the State Board of Education; providing for the method and manner of paying certain exceptions to the General Law granting salaries, tuition or transportation aid; providing for certain duties of the State Auditor; providing for the method and manner of payment for such services; providing for the payment of the actual necessary expenses of the Committee created herein and that

same shall be paid out of the contingent expense of the Forty-sixth Legislature; repealing all laws or parts of laws in conflict herewith; providing for a savings clause, and declaring an emergency.

Be It Enacted by the Legislature of the State of Texas:

Section 1. Appropriation. For the purpose of promoting public school interest and equalizing the educational opportunities afforded by the State to all children of scholastic age within the State, there is hereby appropriated out of the General Revenue Fund Six Million, Eight Hundred Twenty-five Thousand, Eight Hundred Twenty-seven (\$6,825,827.00) Dollars, or so much thereof as may be necessary for the school year ending August 31, 1940, and Six Million, Eight Hundred Twenty-five Thousand, Eight Hundred Twenty-seven (\$6,825,827) Dollars, or so much thereof as may be necessary for the school year ending August 31, 1941, to be allotted and expended by the State Superintendent of Public Instruction through the Director of Equalization in the State Department of Education and under the supervision and advice of a special Joint Legislative Advisory Committee composed of the following Members: five Members of the Senate to be appointed by the President of the Senate and five Members of the House of Representatives to be appointed by the Speaker of the House of Representatives. Said committee shall promptly organize and select from its membership a chairman and a secretary and keep a permanent record of its proceedings and shall vote as a unit on all propositions coming before it for consideration. In addition to other powers and duties, they shall have appellate and final jurisdiction on all matters of dispute between said Department of Education and any applicant for aid under the provisions and terms of this Act, and until otherwise changed or directed all rules and regulations of the State Board of Education shall govern the disposition of all applications for aid under the provisions of this Act; and said committee shall have no authority to make any grant of aid except that authorized by this Act. In addition to the powers and duties herein authorized, said committee shall observe the administration of this Act and shall recommend to the Forty-

seventh Legislature a bill in complete and detailed form setting up a permanent policy of this State in regard to affording equal educational opportunities to all children of scholastic age within this State. Said Members to be reimbursed for their actual and necessary expenses from the Contingent Fund of the House of the respective Members for the actual and necessary expenses in performance of their duties as Members of said committee on approval of the chairman of said Joint Legislative Advisory Committee and the chairman of the respective Contingent Expense Committee of each House, not to exceed Six Thousand (\$6,000.00) Dollars; provided that any unexpended balance occurring at the end of the year 1940 in any allocation may be transferred and added to the appropriation for the year ending August 31, 1941.

Sec. 2. Scholastic Population of the District. State aid under the provisions of this Act shall be distributed in such a way as to assist all school districts of not fewer than twenty (20) scholastics and not more than five hundred (500) scholastics, and consolidated and/or rural high school districts which have an average of not more than two hundred (200) scholastics of each original district composing the consolidated and/or rural high school district unit; provided that the maximum limitation as to scholastic population herein set forth shall not apply for any type of aid to any school district which is nine miles (9) or more in length or contains forty-eight (48) square miles of territory or more, provided there is not located in such district an incorporated city or town having a population of more than thirty-six hundred (3600) inhabitants, according to the last preceding Federal Census; if the budgetary needs of such school districts coming within the provisions of this exception show a need therefor as provided in this Act. Provided that schools in sparsely settled counties may be exempt from the minimum restrictions of twenty (20) scholastics, as hereinafter defined, provided, however, that the Joint Legislative Advisory Committee may extend teacher aid not to exceed one, in common school districts of less than thirty-five (35) scholastics, where there is located in such school districts two school plants and when in such districts there are physical barriers be-

tween such school plants of such nature as to render it impractical to have one school plant, when such additional teacher is recommended by the Director of Equalization; provided that in such cases the district applying for aid shall be levying and collecting the limit of local tax support as provided by Section 6 of this Act.

Sec. 3. Distance Between Schools. No aid shall be granted to any school under the provisions of this Act which is located within two and one-half (2½) miles of another school of the same race, unless on account of the conditions of the roads and other physical features it is unreasonable and impracticable for the pupils to attend another school; provided that this restriction shall not apply to elementary schools in a consolidated and/or rural high school district nor to any district which at some previous election has voted to remove such conditions by consolidation, nor to any school district that has received State aid for the preceding five (5) years when need is shown as provided in this Act.

Sec. 4. Teacher-Pupil Load. State aid under provisions of this Act shall be allotted upon the basis of one teacher for any number of scholastics from twenty (20) to thirty-five (35) and one (1) additional teacher for each additional thirty (30) scholastics, or fractional part thereof, residing in the district. It is expressly provided that in the event pupils are transferred into the district the excess fractional part thereof shall not be less than two (2) scholastics. The basis for calculation shall be the net scholastic enumeration of white or colored race, as the case may be, including the transfers into the district, and excluding the transfers out of the district, provided such transfers are from the districts eligible to receive aid under Section 6 of this Act, for the current year; and there shall be deducted all scholastics who have completed the course of study in their home school, as authorized by the County Board of Trustees, provided that where unusual or extraordinary conditions cause an actual increase in enrollment, an adjustment as to the number of teachers may be made by the State Superintendent on approval of said Joint Legislative Advisory Committee not to exceed the teacher-pupil load provided herein. A condition of unusual enrollment may be said

to exist when and if the average daily attendance of a school reaches a point in excess of the net scholastics remaining in the district after transfer. Under no condition shall aid be granted for teachers in excess of the teacher-pupil load based on the average daily attendance for a period of at least five consecutive months; provided further that under no conditions shall aid be granted any district in excess of the number of teachers actually contracted for and employed; however, said committee may formulate for the second year of the biennium a schedule of expenditures for each school based upon the number of teachers employed as authorized herein, and shall also be authorized to increase the teacher-pupil load from thirty (30) to forty (40) after the employment of the fifteenth (15th) teacher on the teacher-pupil load provided herein, and shall further be authorized, if deemed advisable, to place all schedules of payment for the last year of the biennium on the net scholastics for such school districts for the year preceding.

Sec. 5. Average Daily Attendance. No school shall be granted salary aid under the provisions of this Act whose average daily attendance is less than sixty-five per cent (65%) of the scholastic census enrollment for either white or colored school. Provided, the provisions of this Act shall not apply to any school where there is any kind of epidemic of sickness, and such exemption may be allowed only when the facts are determined and certified to by the County or State Health Officer residing in the area affected. Districts where parochial schools are maintained are exempt from the provisions of this Section.

Sec. 6. Tax Levy. No school district shall be eligible to receive aid under the provisions of this Act unless it shall be providing for the annual support of its schools by voting, levying, and collecting for the current year a local maintenance school tax, exclusive of the tax for interest and sinking fund for bonds, of not less than Fifty (50c) Cents on the One Hundred (\$100.00) Dollars of property valuation in the entire district; and providing further, that the property valuation shall not be less than said property is valued for State and county purposes. All income from a maintenance tax exceeding the required Fifty (50c) Cents main-



tenance tax may be used at the discretion of the local school authorities of the district for any lawful purpose. Any or all maintenance tax above Fifty (50c) Cents shall not be included in the calculation of need for aid.

Sec. 7. Salary Schedule. No part of the aid herein provided shall be used for increasing the monthly salary of any teacher, except as herein authorized, and funds provided for in this Act shall be used for the exclusive purpose of extending the length of the school term of the schools situated in the district receiving such aid on the basis of a schedule of teachers' salaries as determined by the State Board of Education for the school year 1938-39; and provided further that no salary shall be paid from this appropriation for more than nine (9) months except Superintendents of accredited schools entitled to six (6) teachers or more under Section 4 of this Act, vocational agriculture teachers, Trades and Industries teachers and vocational home economics teachers, employed in salary aid schools.

Sec. 8. Length of Term. All schools of the unaffiliated class receiving aid shall provide a term of approximately eight (8) months. These schools shall be so classified by the County Board so as to provide as nearly as possible an eight (8) months term out of the State, county, and local funds. Should these not be sufficient funds to maintain the schools as herein stated, then aid may be granted subject to all provisions of this Act. Should any school district eligible to receive aid under the provisions of this Act maintain a salary schedule in excess of the salary schedule as determined by the State Board of Education for the school year 1938-39, the amount of aid received by such school district shall be reduced by the amount of such excess.

Nothing in this Act shall be construed as forcing the consolidation of any schools, nor shall any aid be withheld from any school for its failure to consolidate.

Sec. 9. High School Tuition. It is hereby expressly provided that a sufficient amount of funds allocated by this Act shall be used for the payment of high school tuition not to exceed Seven Dollars and Fifty Cents (\$7.50) per pupil per month, and in no instance shall more than five (5) months tuition

be paid for any one pupil on the census roll for any one school year. High school tuition shall be paid according to the provisions of House Bill No. 158, General Laws, Regular Session, Forty-fourth Legislature, as amended, and subject to the limitations and restriction provided in this Act. In the event a receiving high school has its budget balanced with Salary Aid, there shall be deducted from the Salary Aid grant of such school any amount of tuition collected from sending districts, and all such collections shall be included in the revenue section of the State aid application. Such revenues shall include the total tuition received for the preceding school year by such school districts. In no event shall any salary aid school receive tuition aid in an amount which, together with the salary aid granted, exceed the budgetary need as indicated by the approved State aid applications. It is further provided that high school tuition aid, as above set out, shall be granted for pupils transferred to outside high schools for the Waco State Home at Waco and the school district in which the State Training School for Boys is located at Gatesville, Texas, provided the aid so granted shall not exceed the per capita tuition charged other schools' transferred high school pupils by the high schools affected hereby. Provided further that in consolidated districts comprising nine hundred (900) square miles or more of territory the above limitations and restrictions shall not apply, but instead a straight tuition payment of Seven Dollars and Fifty Cents (\$7.50) per month per pupil shall be paid on all high school pupils enumerated in the consolidated district and living within the present boundaries of any territory annexed or otherwise consolidated to the central receiving high school. And providing further that high school tuition of not to exceed Two Dollars and Fifty Cents (\$2.50) per scholastic shall be granted for pupils in consolidated and rural high school districts composed of not less than three (3) original districts, and whose valuation is less than Fifteen Hundred (\$1,500.00) Dollars per scholastic population, and whose budget shows a need therefor, and that maintains an affiliated high school of not less than sixteen (16) units.

Sec. 10. Transportation Aid. The County Superintendent and County School Boards of the several counties of this State subject to approval of the State Director of Equalization in the Department of Education, are hereby authorized to set up the most economical system of transportation possible for the purpose of transporting both grade and high school pupils from their districts, and within their districts. The expense of such transportation shall be paid on the basis of budgetary need as indicated by approved State aid application, out of the funds herein allocated for transportation aid, not to exceed Two Dollars (\$2.00) per month per pupil for those attending the most convenient accredited high school and not more than One Dollar (\$1.00) per month per pupil for those transported to elementary schools; provided that if there be no convenient accredited high school, that such pupil may obtain like aid under the provisions of this Section when attending any near high school of higher classification than the sending district when designated by the County Board, provided that all school districts containing one hundred (100) square miles of territory or more may receive Two Dollars (\$2.00) per month per pupil as transportation aid when there is a need shown therefor as provided herein and when same is recommended by the Director of Equalization and approved by the Joint Legislative Advisory Committee. In no instance may aid be granted for pupils transported who attend a grade in another school which grade is taught in such pupil's home district. Aid shall not be granted under any provision of this Section unless the pupil so transported actually resides more than two and one-half (2½) miles from the school receiving such pupil. Provided further that only students eligible for transportation aid shall be permitted to ride school busses, and the County Board shall immediately discharge any operator of any school bus who permits any passenger other than the operator and the students eligible to receive transportation aid to ride said busses. Provided further that no transportation aid shall be paid to privately owned busses except when approved by the County Board of Education and the State Director of Equalization.

Section 11. Allocation of Appropriation. All expenditures for costs of administering the various funds named in this Act shall be paid for out of the monies allocated in this Act, and such expenditures shall be the amounts and as authorized by the General Departmental Appropriation Bill for the current biennium as therein itemized and not otherwise, except as otherwise herein provided.

It is herein specifically provided that out of the money appropriated in Section 1 of this Act, the sum of Three Million, Seven Hundred Thirty-five Thousand, Three Hundred Fifty-seven (\$3,735,357.00) Dollars is hereby set aside for teacher salary aid; Seven Hundred Eighty-two Thousand, Four Hundred Seventy-seven (782,477.00) Dollars for high school tuition; Two Million, One Hundred Sixty Thousand, Three Hundred Seventy-three (2,160,373.00) Dollars for transportation aid; each of the above named allocations being for each year of the biennium. There is also hereby set aside and allocated out of the appropriations made in Section 1 hereof for each year of the biennium the following: the sum of One Hundred Twenty-four Thousand, Two Hundred Seventy (\$124,270.00) Dollars for the administration of the Equalization Division in the Department of Education; the sum of Six Thousand, Seven Hundred and Fifty (\$6,750.00) Dollars for the School Plant Division in the Department of Education; the sum of Ten Thousand (\$10,000.00) Dollars for the Census Division in the Department of Education to be expended for seasonal labor in the checking of the census rolls, and the sum of Six Thousand, Six Hundred (\$6,600.00) Dollars to be used by the State Auditor's Department, as follows:

Accounting in charge of rural aid applications, Three Thousand (\$3,000.00) Dollars;

Junior Accountant, Eighteen Hundred (\$1,800.00) Dollars;

Junior Accountant, Eighteen Hundred (\$1,800.00) Dollars.

Section 12. Powers of the State Superintendent of Public Instruction and Joint Legislative Advisory Committee. It shall be the duty of the State Superintendent of Public Instruction, and he is hereby authorized, to take such action and to make such rules and regulations not inconsistent

with the terms of this Act as may be necessary to carry out the provisions and intentions of this Act subject to the approval of the Joint Legislative Advisory Committee created in this Act, and for the best interest of the schools for whose benefit the funds are appropriated. It shall be the duty of the State Superintendent of Public Instruction to appoint the number of Deputy State Superintendents herein-after authorized to make a thorough investigation, in person, of the grounds, building equipment, teaching staff, and financial condition of each school applying for aid; and no aid shall be given unless it can be shown that all provisions of this Act have been complied with, and that such amount of aid is actually needed. Provided, however, that no regulation of the State Superintendent, State Board of Education or Joint Legislative Advisory Committee shall conflict with any provisions of this Act or any present statute. Provided further, that the State Superintendent of Public Instruction shall appoint not to exceed

One (1) Director of Supervision  
 One (1) Director of Equalization  
 One (1) Director of Junior High Schools  
 One (1) Executive Secretary of Equalization  
 Twenty-four (24) Deputy State Superintendents  
 One (1) Secretary  
 Three (3) Stenographers  
 One (1) Librarian  
 One (1) Telephone Operator  
 Two (2) Accountants  
 Three (3) Bookkeepers  
 One (1) Porter  
 And extra and seasonal help, the cost of which shall not exceed \$1,200.00.

The twenty-four (24) Deputy State Superintendents appointed hereunder shall reside in their respective supervisory districts. The salaries and traveling expenses of the herein named employees only shall be paid for out of monies herein appropriated, and no other salary or expenditures shall be paid from the appropriations of this Act. The Joint Legislative Advisory Committee shall cooperate, as aforesaid, with the State Superintendent of Public Instruction in carrying out the provisions of this Act, and in the event the appropriations and allocations made herein are in-

sufficient to pay the total of all applications showing need, said Committee shall reduce all applications pro rata so as to bring the aggregate of all applications approved within the appropriations and allocations herein made, and in order to accomplish this, said Committee shall reduce the authorized expenditures of all schools applying for salary aid pro rata; shall extend the free time of all schools applying for tuition pro rata, and decrease the transportation aid of each scholastic transported pro rata, so as to bring the total salary aid, tuition aid, and transportation aid within the allocations hereinabove set forth.

Section 13. Application For Aid. The Trustees of the schools authorized to apply for aid under the provisions of this Act shall send to the State Superintendent of Public Instruction on forms provided by said authority a list of the teachers employed in the schools showing the monthly salary, experience, and training of each, together with an itemized statement of budgeted receipts and expenditures, the length of term, and such other information as may be required, and the State Superintendent, under the direction of the Joint Legislative Advisory Committee may, subject to the provisions of this Act, grant to the school such an amount of this fund as will, with the State and county available funds, together with the local funds, maintain the school for a term not to exceed nine (9) months for classified or affiliated high schools and approximately eight (8) months for unaccredited high schools; provided that if the school has sufficient State and county available funds to maintain the school for an eight (8) month term according to the salary schedule adopted by the State Board of Education for the school year 1938-39 or with its local maintenance tax, to maintain the desired length of term, not to exceed nine (9) months, as provided in Section 8, it shall not be eligible to receive aid; provided further, that the County Superintendent, subject to the approval of the State Superintendent of Public Instruction, shall approve all contracts with teachers, supervising officers, and bus drivers in all schools before such schools may be eligible to receive aid under any provisions of this Act. Provided, also,

that all aid granted out of the funds herein provided shall be allotted only on the basis of need, based upon a proper budgeting of each district asking for any form of aid. The application shall be sworn to by the County Superintendent, President and Secretary of the Board of Trustees of each of the schools applying for aid. All aid granted out of the funds provided shall be allotted only on the basis of need based upon an approved budget of each district asking for any form of aid, except as otherwise provided in this Act. All applications for aid authorized herein shall be on file with the State Department of Education not later than October 1 of each year of the biennium, and any school not filing such application before such date of each year shall not be eligible for aid for the current year and shall not be considered or approved for the type of aid applied for.

It is provided that no application for aid shall be approved until all applications filed on or before October 1 of the current year have been considered; and provided further, each application shall, if the amount of money available is not sufficient to pay to all approved applications in full, receive the same proportion of aid as every other approved application of like type of aid.

It is further provided, that the application for aid (including high school tuition) for any current year shall not be approved in an amount in excess of the amount of money available during such current year for all types of aid herein provided for. Even though the application for aid, on a basis of need shown exceeds the amount of money available during such current year for all types of aid, then each application shall be proportionately reduced so that the total of all approved applications for such current year will not exceed the amount of money available for said year for all types of aid, and neither the State Superintendent nor the Joint Legislative Advisory Committee shall make exceptions to this provision and shall proceed to perform this duty in conformity with Section 12 herein.

Section 14. Sparsely Settled Districts Defined. A sparsely settled district as referred to in Section 2 hereof and as herein defined is a

school district within a county having less than one thousand, four hundred (1,400) scholastics enumerated within all of such counties' common school districts and such districts having less than twenty (20) enumerated scholastics therein and such districts so defined when applying for aid and having, levying and collecting a tax as provided in Section 6 herein may be exempt from the minimum teacher-pupil load, and in no instance shall this exemption be extended or applicable to any district employing more than one (1) teacher; provided, however, the State Superintendent, with the consent of the Joint Legislative Advisory Committee may grant aid for not more than one additional teacher for any common school district, if such application is approved before November 1 of the current year.

Section 15. Transfer of Entire District. On the agreement of the Board of Trustees of the districts concerned or on petition signed by a majority of the qualified voters of the district and subject to the approval of the County Superintendent, and State Superintendent, the Trustees of a district which may be unable to maintain a satisfactory school may transfer its entire scholastic enrollment, or any number of grades thereof, to a convenient school of higher rank, and in such event, all of the funds of the district, including the State aid to which the district would otherwise be entitled under the provisions of this Act, or such proportionate part thereof as may be necessary may be used in carrying out said agreement.

Section 16. Disbursement. Warrants for all money granted under the provisions of this Act shall be transmitted by the State Superintendent of Public Instruction, when the account for same has been audited by the State Auditor, to treasurers of depositories of school districts to which aid is granted and approved in the same manner as warrants for State apportionments are now transmitted. The amount of money granted for each type of aid except high school tuition shall be set up as a separate account by the district receiving same and disbursements from said accounts shall be made only for the specific purpose for which such money was granted. If the money in said fund

is used for any purpose other than that for which allocated, then said district shall not be eligible to receive any type of aid for the succeeding year; and it shall be the duty of all treasurers of depositories to make annual itemized reports under oath to the State Superintendent of Public Instruction of the expenditures of all money granted under the provisions of this Act as herein directed not later than October 1 of each year. It shall also be the duty of each County School Superintendent, and each Secretary of the School Board of an independent school district to file with said proper authorized authority, before October 1 of each year, a sworn account detailing the receipts and disbursements of all Rural Aid funds, with correct cash balance on August 31, verified by the depository clerk. Failure to file such reports will make such district ineligible to receive aid for the ensuing year. It is provided that all unused obligated balances in Rural Aid Funds in any district on August 31, shall be returned to the State Treasurer and by him credited to the appropriation from which it came; provided, however, that the balances herein providing for the return of monies shall be subject to the obligations of districts holding claims against that fund and subject to reapportionment of the obligation of the receiving district thereof.

Not later than January 15 of each year, the State inspection of all Rural Aid Schools shall be completed. Initial payment by warrant of not more than fifty (50%) per cent of the total amount allotted to any one school shall then be made, and the final payments shall be made on a percentage basis to such schools in such a manner that all schools, whose applications for aid have been approved, so that each school will receive the same proportion of aid. After final payment is made, each district shall by August 31, of each year, file with the Director of Equalization a signed receipt acknowledging full payment of their approved claim and/or request. It is provided that any amount set aside for schools not having reached sixty-five (65%) per cent attendance shall be prorated among the schools eligible to receive aid on final payment.

Section 17. Duties of State Auditor's Department. The State Auditor's

office is hereby directed to audit all applications for aid after same have been passed on by the Director of Equalization and when such application has been approved by said Director, it shall then be the duty of the State Auditor to approve, or reject such application. Whenever there is a difference between the State Auditor and the Department of Education, the Joint Legislative Advisory Committee shall adjust same on the request of either Department.

Section 18. Accrediting. All schools affected by this Act desiring to become accredited or affiliated by the State Department of Education shall make application upon a form to be furnished by the State Department of Education to the Deputy State Superintendent in whose district the school is located. The Deputy State Superintendent shall make his recommendation to the State Superintendent of Public Instruction who shall approve or reject said application, and no committee of any character whatsoever shall have any authority regarding said application.

Section 19. Counties Having No Governing School Board. In counties which constitute a single school district and in which there is no governing body designated as the County School Board, the duties authorized by this Act to be performed by the County School Board are hereby conferred upon the existing governing bodies of such districts, and all aid shall be granted on the basis of need after proper budgeting, the same as herein provided.

Section 20. Federal Government Land Purchases. The State Superintendent, subject to the approval of the Joint Legislative Advisory Committee, shall take into consideration, in fixing allowances to school districts, any loss sustained by such districts by reason of the Federal Government buying lands for National forests, and by reason of the location in said districts of University lands, and the State Superintendent, as aforesaid, shall be authorized to make allocations to said districts by virtue of losses sustained by said districts by reason of Federal purchase of lands, the amounts to be fixed by the State Superintendent, as aforesaid, based upon existing facts and circumstances applicable to all other school districts, and in all exceptions provided herein the consent of

the Joint Legislative Advisory Committee shall be first had and obtained. Provided that any school district sustaining losses by reason of the location in said district of University lands, shall be held to be in actual need. The State Superintendent, as aforesaid, shall make allocations to said districts by virtue of losses so sustained by said reasons, and the amounts to be fixed by the State Superintendent, as aforesaid, shall be based upon the amount of losses so sustained, basing said loss on the rate of tax and valuation used in said county for State and county purposes. It is expressly understood that any revenues received by said school districts by virtue of this Section must be included as revenue in the budget before calculating a budgetary need for schools applying for salary aid.✓

Section 21. Miscellaneous Provisions. Rural schools accepting the provisions of this Act shall be entitled to share, subject to the limitations of this Act, in the distribution of State and County Available School Funds and in all other school funds as may herein be provided; provided, however, that no school or school district shall be denied aid for failure or refusal to buy any books, equipment, charts, and/or school supplies offered by any person, firm, or corporation unless the minutes of the State Board of Education of Texas show that said books, equipment, charts, and/or supplies were approved by a unanimous vote of said Board of Education.

And, it is further provided that it shall be the duty of the County Superintendent to receive and check all high school tuition applications to determine the following facts: age of the pupil, the district in which he was enumerated, the district in which he lives, the district in which he attends school, the grade in which the pupil is classified in the receiving district, the highest grade taught in the home district of the pupil, the amount of time the pupil was in actual attendance at the receiving school, and the rate and free time allowed the pupil by the receiving high school. When such application has been reviewed and checked as herein provided, same shall be properly certified to by such County Superintendent, and the President and/or Secretary of the School Board of the sending district of the pupil, before said ap-

plication is transmitted to the Director of Equalization at Austin, Texas, for his inspection, rejection, modification, or approval, and no such application shall be considered by the Director of Equalization or said Joint Legislative Advisory Committee unless same has been duly deposited with him, or it, at Austin, Texas, on or before June 15 of each year of the biennium; provided further that the officials of the sending district or the County Superintendent shall furnish the Superintendent or the Secretary of the School Board of the receiving school a copy of the budget required by the State Department for establishing the eligibility of the sending district for having the State pay tuition on its high school scholastics. Provided that, if an incorporated city, town or village is levying and collecting taxes for the support or benefit of its municipal school district in an amount not less than provided for in Section 6 of this Act, and/or for interest and sinking funds for bonds or other indebtedness issued or incurred for the direct benefit of such municipal school district, then, in any such event, such taxes so levied and collected by such incorporated city, town or village shall, for the purpose of this Act, be considered as taxes levied and collected by such school district.

Section 22. Allocations in Favor of Exceptions to the General Provisions Allocating Aid. All applications for salary aid coming within the general provisions of this Act, applications for high school tuition aid coming within the general provisions of Section 9 of this Act, and all applications for transportation aid coming within the general provisions of Section 10 of this Act shall first be considered, and if approved in the manner authorized and directed herein, shall first be paid out of the appropriation made for each of the years of the current biennium in the manner and method herein directed, and said aid, if so granted, shall be first paid out of the appropriations and allocations herein made to an amount not exceeding one hundred (100%) per cent of the approved grant therefor, and all exceptions to the General Law permitting and granting aid to the several school districts of this State shall be paid only if and when those approved applications coming within the

general provisions of this Act have first been paid, and such exceptions shall then be allowed and admitted as approved, and upon approval they shall be paid out of such allocations remaining unexpended and then upon a pro rata per capita basis out of the funds remaining unexpended in each of the allocations herein made and not otherwise. And it shall be the duty of said Joint Legislative Advisory Committee to classify all applications which are exceptions to the general provisions allowing aid in this Act.

Sec. 23. Joint Legislative Advisory Committee. It shall be the duty of the Joint Legislative Advisory Committee and the State Superintendent of Public Instruction to pay by warrant not more than fifty (50%) per cent of the total amount allotted to any one school as an initial payment, and the remaining payments shall be made on a percentage basis to the schools in such manner and amounts that the total expenditures for any one year shall not exceed the total allocations appropriated for that year.

The Joint Legislative Advisory Committee and the State Superintendent of Public Instruction are hereby prohibited from paying anyone or more schools its, or their, allotment in an amount greater, on a percentage basis, than is paid any other school. This provision shall apply to all allotments and claims and/or allocations of appropriations provided for in this Act.

It is specifically provided herein that the Joint Legislative Advisory Committee and the State Superintendent of Public Instruction shall not pledge the State nor incur obligations against the rural aid fund in any amount or in any one year in excess of the amount herein appropriated, and it is the sense of the Legislature that the amounts herein allocated shall be in full of all amounts to be spent for the purpose contemplated by this Act for the period covered by this Act.

Sec. 24. Penalty Provision. Any district violating any of the provisions of this Act shall forfeit all rights of such aid and may be disqualified to receive any aid of any nature under any Section of this Act for the current year. Should any school which would otherwise be eligible to receive aid agree, or contract with teachers to

pay a smaller monthly salary during the remainder of the terms following the granting of aid, provided out of local funds, than is paid out of State funds, then such school shall forfeit its rights to receive aid. Provided any census trustee who shall wilfully make any false report in his roll or summary shall forfeit the right of the district he serves to receive any amount of money that may be provided for in this Act.

It is specifically provided herein that the State Board of Education, State Superintendent of Public Instruction, or Joint Legislative Advisory Committee, or any agency charged with the responsibility of administering the funds hereby appropriated shall not pledge the State for any year in excess of the amount herein appropriated, and it is the sense of this Legislature that the amounts herein appropriated shall cover in full all amounts to be spent for the purpose contemplated by this Act for the period covered by this Act. Whoever violates this provision of this Section shall be deemed guilty of misdemeanor, involving official misconduct, and upon conviction thereof, shall be fined in a sum not less than Two Hundred (\$200.00) Dollars nor more than One Thousand (\$1,000.00) Dollars, and shall be subject to removal from office.

Sec. 25. Other Penalties. It shall be unlawful for any county school superintendent or the superintendent of any common or independent school district, school teacher, county trustee, and/or district trustee or any other person directly to use or promise to use, pay or promise to pay, any of the funds herein appropriated for the purpose of paying the salary and/or expense of any person or persons to maintain a lobby for any purpose. Violation of this provision shall forfeit the right or rights of the county or any school district in the county from participating in the funds herein appropriated.

Provided further that no financial aid shall ever be withheld from any school entitled to such aid under the provisions of this Act by virtue of an alleged deficiency in the certificates held by the teaching personnel of any such school on account of and/or by virtue of any regulation of the State Superintendent of Public Instruction, the Department of Education, the Board of Education, and/or

the Joint Legislative Advisory Committee, unless such rule or regulation is expressly provided by statutes of this State.

Provided that the tax provisions and other inhibitions provided in said Act shall not apply to the school where the Alabama Indians attend school in Polk County, Texas.

Sec. 26. Should for any reason the Joint Legislative Advisory Committee fail or refuse to perform the duties herein imposed upon it, or should the duties, powers, and functions of said Joint Legislative Advisory Committee become inactive or unenforceable, then, and in that event, such duties as are herein imposed on said Joint Legislative Advisory Committee shall be performed by the State Board of Education the same as if said committee had not been created or authorized.

Sec. 27. Repealing and Constitutional Clauses. All laws or parts of laws in conflict herewith are hereby repealed, and in the event any provision of this Act is declared unconstitutional or invalid by any court of competent jurisdiction, the remainder of this Act shall nevertheless remain in full force and effect.

Sec. 28. Emergency Clause. The fact that many schools are in need of additional aid other than State per capita apportionment and local maintenance, and the public policy requires that proper provisions be made for the maintenance and support of the schools with as little delay as possible, and the further fact that considerable time is required in preparation for carrying out the terms of this Act, creates an emergency and an imperative public necessity that the Constitutional Rule, requiring bills to be read on three several days, be, and the same is hereby suspended, and this Act shall take effect and be in force from and after September 1, 1939, and it is so enacted.

On motion of Mr. Morris, further consideration of the Report was postponed until 3:00 o'clock p. m., tomorrow.

#### ADOPTION OF CONFERENCE COMMITTEE REPORT ON HOUSE BILL NO. 256

The Speaker laid before the House, for consideration, at this time, the

Conference Committee Report on House Bill No. 256.

The Report having heretofore been printed in the Journal on Thursday, June 8.

On motion of Mr. Thornton, the Report was adopted.

#### ADOPTION OF CONFERENCE COMMITTEE REPORT ON HOUSE BILL NO. 255

The Speaker laid before the House, for consideration, at this time, the Conference Committee Report on House Bill No. 255.

The Report having heretofore been printed in the Journal on Thursday, June 8.

On motion of Mr. Thornton, the Report was adopted.

#### ADOPTION OF CONFERENCE COMMITTEE REPORT ON SENATE BILL NO. 427

The Speaker laid before the House, for consideration, at this time, the Conference Committee Report on Senate Bill No. 427.

The Report having heretofore been printed in the Senate Journal. Same having been ordered not printed in the Daily House Journal.

[Note: Conference Report in full appears in Journal of June 21, 1939.]

On motion of Mr. Thornton, the Report was adopted.

(Pending consideration of the Report, Mr. Johnson of Tarrant occupied the Chair temporarily.)

(Speaker in the Chair.)

#### HOUSE BILL NO. 1108 WITH SEN- ATE AMENDMENTS

Mr. Kinard called up from the Speaker's table, with Senate amendments, for consideration of the amendments,

H. B. No. 1108, A bill to be entitled "An Act providing that taxes levied by other entities under and by virtue of Article 3, Section 52, of the Constitution shall never be reckoned in determining the power of any city or town to levy taxes; providing that in the event of conflict between this Act and any provisions of a city charter or of a special law constituting a charter of a city the provisions of



this Act shall prevail, and declaring an emergency."

On motion of Mr. Kinard, the House concurred in the Senate amendments by the following vote:

Yeas—129

|                   |                    |
|-------------------|--------------------|
| Allen             | Howard             |
| Allison           | Howington          |
| Alsup             | Hull               |
| Bailey            | Hunt               |
| Baker             | Isaacks            |
| of Fort Bend      | Johnson of Ellis   |
| Baker of Grayson  | Johnson of Tarrant |
| Bell              | Kennedy            |
| Boethel           | Kern               |
| Bond              | Kerr               |
| Boyd              | Kinard             |
| Bradbury          | King               |
| Bradford          | Langdon            |
| Bray              | Lehman             |
| Broadfoot         | Leyendecker        |
| Brown of Cherokee | Little             |
| Burkett           | Lock               |
| Burney            | Loggins            |
| Cauthorn          | McAlister          |
| Celaya            | McDaniel           |
| Chambers          | McDonald           |
| Clark             | McFarland          |
| Cleveland         | McMurry            |
| Cockrell          | McNamara           |
| Coleman           | Mohrmann           |
| Colquitt          | Monkhouse          |
| Colson, Mrs.      | Montgomery         |
| Cornett           | Morris             |
| Corry             | Newell             |
| Crossley          | Nicholson          |
| Daniel            | Oliver             |
| Davis of Jasper   | Pace               |
| Davis of Upshur   | Petsch             |
| Derden            | Pevehouse          |
| Dickison          | Piner              |
| Dickson           | Pope               |
| Donaghey          | Reader of Erath    |
| Faulkner          | Reaves             |
| Felty             | Reed               |
| Ferguson          | Rhodes             |
| Fuchs             | Riviere            |
| Galbreath         | Roach              |
| Goodman           | Roberts            |
| Gordon, Mrs.      | Robinson           |
| Hale              | Russell            |
| Hamilton          | Schuenemann        |
| Hankamer          | Segrist            |
| Hardeman          | Shell              |
| Hardin            | Skiles             |
| Harp              | Smith of Frio      |
| Harper            | Smith of Hopkins   |
| Harrell of Lamar  | Smith              |
| Harris            | of Matagorda       |
| Hartzog           | Spencer            |
| Holland           | Stinson            |

|            |           |
|------------|-----------|
| Stoll      | Waggoner  |
| Talbert    | Weldon    |
| Tarwater   | Wells     |
| Taylor     | Westbrook |
| Tennant    | White     |
| Thornberry | Wilson    |
| Thornton   | Winfree   |
| Turner     | Wood      |
| Vale       | Worley    |
| Vint       | Wright    |
| Voigt      |           |

Present—Not Voting

Brown  
of Nacogdoches

Absent

|             |                    |
|-------------|--------------------|
| Blankenship | Harrell of Bastrop |
| Boyer       | Heflin             |
| Bridgers    | Keith              |
| Bundy       | Kersey             |
| Dean        | Leonard            |
| Dowell      | London             |
| Dwyer       | Mays               |
| Fielden     | Ragsdale           |
| Gilmer      |                    |

Absent—Excused

Anderson                      Reader of Bexar

#### CONFERENCE COMMITTEE REPORT ON SENATE BILL NO. 224

Mr. Hartzog submitted the following Conference Committee Report on Senate Bill No. 224:

Austin, Texas, June 3, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Hon. R. Emmett Morse, Speaker of the House.

Sirs: We, your Conference Committee, appointed to adjust the differences between the Senate and the House of Representatives on Senate Bill No. 224, have had the same under consideration and we recommend to the Senate and to the House of Representatives that such bill pass in the form attached hereto.

WEINERT,  
BURNS,  
MOORE,  
SPEARS,

On the part of the Senate.

HARTZOG,  
WINFREE,  
DANIEL,  
GILMER,

On the part of the House.

S. B. No. 224

A BILL  
To Be Entitled

An Act granting and donating to each respective county of this State for a period of five (5) years, beginning with the taxable year 1940 one-half the State ad valorem taxes for general revenue purposes not heretofore donated or appropriated to any county, district, city or other political subdivision, collected for general revenue purposes upon the property and from persons in each respective county, including ad valorem taxes on rolling stock belonging to railroad companies; providing that taxes shall be levied, assessed and collected as now provided by law, authorizing the assessor or collector of taxes in each county to pay over to the county treasurer one-half (1/2) of all moneys collected by him at the end of each month during the period of this donation, less amounts allowed by law for assessing and collecting the same; providing that nothing in this Act shall amend, alter, modify or repeal any donation, grant or remission of taxes heretofore made to any county, city, town, village, precinct, political subdivision or municipal or quasi-municipal corporation; providing that if the donation, remission or grant to any such entity is as much as one-half the taxes so collected, this Act shall not be effective during the life of such donation, grant or remission heretofore made, but shall be effective after the expiration of such previously made remission, donation or grant; providing that if the donation, remission or grant of such entity be less than one-half the taxes, this Act shall remit the difference between the remission, grant or donation heretofore made and one-half the taxes collected in such area; provided that where a donation, remission or grant has been heretofore made in any area covering an area less than an entire county, this Act shall donate and grant one-half of the taxes collected in the county outside of such area for the life of this Act; providing that where taxes have been donated and granted heretofore to any authority, which donation and grant is contingent upon an allocation of a Federal

grant, and is not yet effective, such donation and grant by the State heretofore made shall take precedence over the provisions of this Act to the extent of any conflict herewith; providing that the term, "donation, grant or remission heretofore made" shall include remissions, donations or grants made by the Regular Session of the Forty-sixth Legislature; providing that the taxes donated and granted by this Act shall be used by the County Commissioners' Courts for any purpose not inconsistent with the Constitution of Texas, including lowering the ad valorem tax rate for county purposes, constructing flood control works and improvements in said County, improvements to prevent soil erosion and soil conservation purposes, irrigation and drainage projects, reforestation and road building, conservation and utilization of water, projects sponsored by a county in cooperation with the Federal Works Progress Administration or its successors, purchase of rights-of-way for public roads, general relief and charitable purposes, paying the interest and sinking fund on any outstanding bonded indebtedness of the county, assisting in the development of navigation, and any other purpose or purposes not specifically prohibited by the Constitution; authorizing the Commissioners' Courts to contract with the governing boards of any river authority or water improvement district to perform construction works for such river authority or water improvement district, or to set aside any part, or all, of the taxes herein donated and granted to such county, for the use of such river authority or water improvement district in retiring its bonded indebtedness, or carrying out any other purpose for which such district was created; declaring that the provisions of this Act are authorized under Sections 7 and 8 of Article 11, and Section 59 of Article 16, of the Constitution of the State of Texas; providing that if any Section, Subsection, paragraph, clause, sentence, or word of this Act or the application thereof to any person or circumstance is held invalid, such holding shall not affect the validity of the remaining provisions of this Act, and this Legislature hereby declares that it would have passed

such remaining portions despite such invalidity, and declaring an emergency.

Be It Enacted by the Legislature of the State of Texas:

Section 1. That for a period of five (5) years, beginning with the taxable year 1940, there is hereby donated and granted by the State of Texas to each respective county of this State, one-half of the State ad valorem taxes collected for general revenue purposes upon the property and from the persons in each respective county, except as hereinafter provided, including ad valorem taxes on the rolling stock belonging to railroad companies, which shall be ascertained and apportioned as now provided by law. The taxes hereby donated and granted shall be levied and assessed and collected as now provided by law, except that the Assessor and Collector of Taxes in each respective county shall forward his reports to the Comptroller of Public Accounts as provided by law and shall pay over to the Treasurer of the County one-half of all moneys collected by him at the end of each month and during the period covered by this donation, except such amounts as are allowed by law for assessing and collecting the same, and shall forward a duplicate copy of the receipt given him by the County Treasurer for said money to the Comptroller.

Section 2. Nothing in this Act shall amend, alter, modify, or repeal any donation, grant or remission of taxes heretofore made to any county, city, town, village, precinct, political subdivision, or municipal or quasi-municipal corporation.

If the donation, remission or grant to any such entity is as much as one-half ( $\frac{1}{2}$ ) the taxes so collected, then this Act shall not be effective as to the taxes collected in such area during the life of such donation, grant or remission heretofore made, but shall be effective after the expiration of such previously made remission, donation, or grant if such expires prior to the expiration of this Act.

If the donation, grant or remission to such entity be less than one-half ( $\frac{1}{2}$ ) the taxes, then as to such area, this Act shall remit the difference between the remission, grant or donation heretofore made and one-half ( $\frac{1}{2}$ ) the taxes collected in such area;

and after the expiration of such grant, donation or remission heretofore made, if such expires prior to the expiration of this Act, this Act shall remit one-half ( $\frac{1}{2}$ ) the taxes collected in such area for the remainder of the life of this Act.

Where a donation, remission or grant has been heretofore made in an area which is less than the entire county, then this Act shall remit, donate and grant one-half ( $\frac{1}{2}$ ) the ad valorem taxes collected in such county outside of such area for the life of this Act.

In counties wherein taxes have been donated or granted heretofore to any authority, and which donation and grant is contingent upon an allocation of a Federal grant, and is not yet effective, such donation and grant by the State heretofore made shall take precedence over the provisions of this Act to the extent of any conflict herewith.

The term, "donation, grant or remission heretofore made" or words of similar import shall include remissions, donations or grants made by the Regular Session of the Forty-sixth Legislature.

Section 3. The taxes donated and granted by this Act and collected in each respective county shall be used by the County Commissioners' Court of said county for any purpose permitted by and not inconsistent with the Constitution of Texas, including the following purposes: (a) lowering the ad valorem tax rate for county purposes; (b) constructing flood control works and improvements in said county; (c) for improvements to prevent soil erosion and for soil conservation purposes; (d) for irrigation and drainage projects; (e) reforestation and road building; (f) conservation and utilization of water; (g) for projects sponsored by a county in cooperation with the Federal Works Progress Administration or its successors; (h) for the purchase of rights-of-way for public roads; (i) for general relief and charitable purposes; (j) for paying the interest and sinking fund on any outstanding bonded indebtedness of the county; (k) for assisting in the development of navigation; (l) and for any other purpose or purposes not specifically prohibited by the Constitution.

Section 4. The Commissioners' Courts are further authorized, out of

any of the taxes herein donated and granted to their respective counties, to contract with the governing board of any river authority or water improvement district, which may include all or any part of such county, to perform construction works for such river authority or water improvement district, or to set aside any part, or all, of the taxes herein donated and granted to such county, for the use of such river authority or water improvement district in retiring its bonded indebtedness, or for the use of such river authority or water improvement district in carrying out any other purpose or purposes for which such river authority or water improvement district was created.

Section 5. The intent and purposes of this Act are to donate to the respective counties of this State that part of the State ad valorem tax donated herein, levied, assessed and collected on the property and from the inhabitants of each respective county to be used by said counties for the purposes hereinbefore set out, and it is hereby declared that the provisions of this Act are authorized under Sections 7 and 8 of Article 11 and Section 59 of Article 16 of the Constitution of the State of Texas.

Section 6. If any Section, Subsection, paragraph, clause, sentence, or word of this Act or the application thereof to any person or circumstance is held invalid, such holding shall not affect the validity of the remaining provisions of this Act, and this Legislature hereby declares that it would have passed such remaining portions despite such invalidity.

Section 7. The fact that the various Legislatures of the State of Texas from time to time have donated and appropriated the State ad valorem taxes to a large majority of the counties of this State, together with donations and appropriations of said taxes to various cities, districts and other political subdivisions for various reasons and various purposes, which unless said taxes are donated and granted for like improvements in those counties not heretofore receiving such aid and benefit from the State will create a discrimination and hardship on said counties and for the further fact that these counties not having heretofore received such dona-

tions and appropriations have, from time to time, been visited with public calamities of one kind or another, and the fact that said counties are in need of said funds for the purpose of making public improvements in said counties, such improvements being for State-wide purpose and benefit, create an emergency and an imperative public necessity demanding that the Constitutional Rule requiring bills to be read on three several days in each House, be suspended, and the same is hereby suspended and this Act shall take effect and be in force from and after its passage, and it is so enacted.

Mr. Hartzog moved that the Report be adopted.

Mr. Wood moved that further consideration of the Report be postponed until 11:00 o'clock a. m., tomorrow.

Mr. Hartzog moved to table the motion to postpone.

Question—Shall the motion to table prevail?

#### MESSAGE FROM THE SENATE

Austin, Texas, June 19, 1939.

Hon. R. Emmett Morse, Speaker of the House of Representatives.

Sir: I am directed by the Senate to inform the House the Senate has concurred in House amendments to Senate Bill No. 477 by the following vote: Yeas, 31; Nays, 0.

The Senate has concurred in House amendments to Senate Bill No. 285 by the following vote: Yeas, 16; Nays, 14.

The Senate has concurred in House amendments to Senate Bill No. 465 by the following vote: Yeas, 27; Nays, 1.

The Senate has refused to concur in House amendments to Senate Bill No. 490, and requests the appointment of a Conference Committee to adjust the differences between the two Houses.

The following have been appointed, on the part of the Senate: Senators Winfield, Kelley, Spears, Brownlee and Stone of Galveston.

Respectfully,

BOB BARKER,

Secretary of the Senate.

### CONFERENCE COMMITTEE APPOINTED

On motion of Mr. Goodman, the House granted the request of the Senate, for the appointment of a Conference Committee on Senate Bill No. 490.

In accordance with the above action, the Speaker announced the appointment of the following Conference Committee on Senate Bill No. 490: Messrs. Goodman, Leyendecker, Celaya, Cauthorn and Leonard.

### BILLS SIGNED BY THE SPEAKER

The Speaker signed, in the presence of the House, after giving due notice thereof, and their captions had been read severally, the following enrolled bills:

H. B. No. 1078, "An Act amending Sections 1 and 3 of Article 1105B of the 1925 Revised Civil Statutes of Texas, enacted by Acts of the First Called Session, Fortieth Legislature, 1927, page 489, Chapter 106; authorizing incorporated cities, towns, and villages incorporated under either General or Special Law, including those operating under a special charter or charter adopted pursuant to the home rule provisions of the Constitution, or any amendment or amendments thereto, to cause to be improved streets, avenues, alleys, highways, boulevards, drives, public places, squares, or any portion or portions thereof; to assess part of the cost against abutting property and owners thereof and against railroads, street railroads, or interurbans and the owners thereof, so that such improvements and assessments may be made although such streets, avenues, alleys, highways, boulevards, drives, public places, squares, or any portion or portions thereof lie without the corporate limits of such cities, towns, and villages, if that part to be improved lies immediately adjacent to and adjoins such corporate limits, and although the property abutting thereon is located out side such corporate limits; repealing all laws and parts of laws in conflict herewith, and declaring an emergency."

H. B. No. 1112, "An Act to provide that out of taxes remitted by the State of Texas to certain counties

such sum shall be used for the purpose of acquiring and improving land for State parks, and declaring an emergency."

### RECESS

On motion of Mr. Harrell of Lamar, the House, at 12:20 o'clock p. m., took recess until 3:00 o'clock p. m., today.

### AFTERNOON SESSION

The House met at 3:00 o'clock p. m., and was called to order by the Speaker.

### MESSAGE FROM THE SENATE

Austin, Texas, June 19, 1939.

Hon. R. Emmett Morse, Speaker of the House of Representatives.

Sir: I am directed by the Senate to inform the House that the Senate has adopted the following:

H. C. R. No. 171, Authorizing the Metropolitan Building and Loan Association, et al, to sue the State.

H. C. R. No. 179, Granting A. J. Clingan permission to sue the State. (With amendment.)

Has granted the request of the House for a Conference Committee to adjust the differences between the two Houses on House Bill No. 1061.

The following have been appointed, on the part of the Senate: Senators Shivers, Burns, Head, Roberts and Moore.

#### Passed

H. B. No. 17, A bill to be entitled "An Act providing a title for the Act; providing the definition of certain words, terms and phrases; etc., and declaring an emergency." (With amendments.)

#### Adopted

H. C. R. No. 194, Declaring the legislative intent of Senate Bill No. 89.

S. C. R. No. 65, Correcting and validating the intent of Senate Bill No. 320.

S. C. R. No. 64, Requesting the State Highway Department to loan

discarded wire to Blinn Memorial College.

S. C. R. No. 66, Relative to home-site of President David G. Burnet for park purposes.

H. C. R. No. 190, Granting Mrs. V. E. Howard permission to bring suit against the State.

H. C. R. No. 193, Granting Mrs. Woodie Spore permission to sue the State. (With amendment.)

Adopted the Conference Committee Report on House Bill No. 1061 by a viva voce vote.

The Senate has reconsidered the vote by which the Conference Committee Report was adopted on House Bill No. 1061, and said Report withdrawn from the Senate.

Has adopted the Conference Committee Report on House Bill No. 1104 by the following vote: Yeas, 30; Nays, 0.

Has adopted the Conference Committee Report on House Bill No. 190 by the following vote: Yeas, 19; Nays, 9.

The Senate has adopted the Conference Committee Report on House Bill No. 363 by a viva voce vote.

Passed

H. B. No. 426, A bill to be entitled "An Act making appropriations to pay deficiency appropriations granted by the Governor during 1936 to August 1, 1938." (With amendment.)

Respectfully,

BOB BARKER,

Secretary of the Senate.

#### RELATIVE TO VOTING MACHINE OF THE HOUSE

Mr. Alsop offered the following resolution:

H. S. R. No. 326, Relative to voting machine of the House.

Whereas, The electrical voting machine and system now in operation in the House of Representatives has been in service for a long time and is one of the first of such machines placed upon the market; and

Whereas, Said machine is no longer accurate and due to its inaccuracy in tabulating votes is the cause of many unnecessary verifications in instances where "aye" and "nay" votes are required; and

Whereas, The loss of time in the operation of the affairs of the House of Representatives is extremely costly due to the fixed daily operating cost of the House of Representatives; now, therefore, be it

Resolved by the House of Representatives of the State of Texas, That the Speaker of the House appoint a committee of three Members, which committee shall immediately make a thorough investigation as to what is necessary to furnish the House with a modern and accurate voting machine system. Upon completion of its investigation said committee is empowered to contract for the purchase and installation of a complete new system and voting machine or so much thereof as in the judgment of the committee shall be necessary. The committee is further authorized to trade in, or exchange, the machine now in operation, or any of its parts in contracting for a new machine or new parts and is further authorized to retain any of the present system which may still be of value to the House; and be it further

Resolved, That the expense of purchasing and installing said parts or machine shall be paid out of the Contingent Expense Fund of the House of Representatives and said committee is authorized to contract to pay for such equipment out of said fund upon approval by the chairman of said committee; and be it further

Resolved, That said committee is authorized, and is empowered to effect negotiations, so as the installation of said parts, or machine, shall be installed at a minimum cost; and be it further

Resolved, That the committee is hereby instructed to cause to be issued warrants for the purchase and installation of said equipment upon requisition by the majority of the committee hereby provided for in accordance with the terms of whatever contract the said committee may enter into. Provided, however, the Speaker of the House shall have authority to approve, or disapprove, any contract entered into by said committee and it is further provided that any warrants issued in payment for said equipment shall be signed by the Speaker of the House and the chairman of the Committee on Contingent Expenses.

The resolution was read second time, and was adopted.

CONFERENCE COMMITTEE RE-  
PORT ON HOUSE BILL  
NO. 1061

Mr. Kinard submitted the following  
Conference Committee Report on  
House Bill No. 1061:

Austin, Texas, June 19, 1939.

Hon. Coke R. Stevenson, President of  
the Senate.

Hon. R. Emmett Morse, Speaker of  
the House.

Sirs: We, your Conference Com-  
mittee, appointed to adjust the differ-  
ences between the Senate and the  
House on House Bill No. 1061, have  
met and beg leave to recommend that  
said House Bill No. 1061 be passed in  
the form hereto attached.

Respectively submitted,

SHIVERS,  
MOORE,  
BURNS,  
ROBERTS,  
HEAD.

On the part of the Senate.

CLARK,  
KINARD,  
CLEVELAND,

On the part of the House.

H. B. No. 1061

A BILL

To Be Entitled

An Act providing amount of payment  
to the Executive Committee in order  
to have the name placed on official  
ballot for Representative and Flo-  
torial Representative and Flo-  
torial Representative No. 2 in certain  
counties; repealing all laws and  
parts of laws in conflict herewith  
to the extent of the conflict only,  
and declaring an emergency.

Be It Enacted by the Legislature of  
the State of Texas:

Section 1. That from and after the  
effective date of this Act, in all coun-  
ties in this State having a population  
of not less than one hundred and  
thirty-three thousand, three hundred  
and ninety-one (133,391), and not  
more than one hundred and fifty  
thousand (150,000), and in all coun-  
ties in this State having a population  
of not less than fifteen thousand, one  
hundred and forty-nine (15,149) and  
not more than fifteen thousand, five  
hundred and twenty-five (15,525), ac-  
cording to the last preceding Federal

Census, no person who is a candidate  
in a primary election of such counties,  
for nomination for State Representa-  
tive, shall have his or her name placed  
on the primary ballot to be voted on  
at any election unless and until he  
or she has paid to the County Execu-  
tive Committee of the political party,  
whose nomination he or she seeks, the  
sum of One Hundred Dollars (\$100);  
provided, however, that where said  
counties are a part of a Flo-  
torial Representative District, the Flo-  
torial Representative in such counties shall not  
have his or her name placed on the  
official ballot for Flo-  
torial Representative unless and until he or she  
shall have paid to the Chairman of the  
County Executive Committee of the  
political party, whose nomination he or  
she seeks, the sum of One Hundred  
(\$100) Dollars in each of said Coun-  
ties, provided, further, that in any  
counties in this State having a pop-  
ulation of not less than fourteen thou-  
sand, eight hundred and fifty (14,850), and not more than fourteen  
thousand, nine hundred and twenty  
(14,920), and in all counties in this  
State having a population of not less  
than thirty-one thousand (31,000),  
and not more than thirty-one thou-  
sand, eight hundred (31,800), accord-  
ing to the last preceding Federal Cen-  
sus, and where such counties have two  
(2) Flo-  
torial Representatives, the  
Flo-  
torial Representative place No. 2  
shall not have his, or her, name placed  
on the primary ballot to be voted on  
at any election, unless and until he,  
or she, has paid to the Chairman of  
the Democratic Executive Committee  
of the political parties whose nomina-  
tion he, or she, seeks, the sum of  
Twenty-five Dollars (\$25) in each  
county coming under the last two (2)  
brackets in this Act.

Sec. 2. All laws and parts of laws  
in conflict herewith are repealed to  
the extent of the conflict only.

Sec. 3. The fact that the Execu-  
tive Committee in some of the coun-  
ties embraced within this Act, do not  
have the right to assess a fee in ex-  
cess of One Dollar (\$1) against can-  
didates for Representative in the State  
Legislature, and the fact that this fee  
is inequitable compared with the fees  
charged candidates for other offices  
create an emergency and an impera-  
tive public necessity that the Consti-  
tutional Rule requiring that all bills  
be read on three several days in each  
House be suspended, and said Rule is

hereby suspended, and this Act shall take effect and be in force from and after the date of its passage, and it is so enacted.

(Mr. Thornton in the Chair.)

Mr. Kinard moved that the Report be adopted.

Mr. Dowell moved, as a substitute motion, that the Report be not adopted and that same be sent back to a new Conference Committee for further consideration.

Mr. Kinard moved to table the substitute motion by Mr. Dowell.

Question recurring on the motion to table, yeas and nays were demanded.

The motion to table was lost by the following vote:

#### Yeas—40

|                   |                    |
|-------------------|--------------------|
| Bailey            | Johnson of Tarrant |
| Boyer             | Kinard             |
| Bradford          | Lehman             |
| Broadfoot         | Little             |
| Brown of Cherokee | McAlister          |
| Bundy             | McDaniel           |
| Cauthorn          | McFarland          |
| Celaya            | McNamara           |
| Chambers          | Montgomery         |
| Clark             | Nicholson          |
| Cleveland         | Petsch             |
| Corry             | Pevehouse          |
| Donaghey          | Rhodes             |
| Ferguson          | Riviere            |
| Fuchs             | Smith of Frio      |
| Gilmer            | Stinson            |
| Hamilton          | Taylor             |
| Hardin            | Thornton           |
| Harrell of Lamar  | Turner             |
| Hull              | Waggoner           |

#### Nays—51

|                    |             |
|--------------------|-------------|
| Baker of Grayson   | Howington   |
| Boyd               | Hunt        |
| Bradbury           | Isaacks     |
| Bridgers           | Keith       |
| Brown              | Kennedy     |
| of Nacogdoches     | Kern        |
| Burney             | Leyendecker |
| Crossley           | London      |
| Daniel             | Mays        |
| Davis of Upshur    | McMurry     |
| Dowell             | Mohrmann    |
| Faulkner           | Morris      |
| Fielden            | Newell      |
| Galbreath          | Oliver      |
| Hankamer           | Pace        |
| Harp               | Piner       |
| Harrell of Bastrop | Pope        |
| Harris             | Roach       |
| Holland            | Robinson    |

|                  |           |
|------------------|-----------|
| Russell          | Voigt     |
| Smith of Hopkins | Weldon    |
| Smith            | Wells     |
| of Matagorda     | Westbrook |
| Stoll            | Wilson    |
| Tarwater         | Wood      |
| Thornberry       | Worley    |
| Vint             |           |

#### Present—Not Voting

|                  |          |
|------------------|----------|
| Allen            | Kersey   |
| Bray             | King     |
| Burkett          | Langdon  |
| Cockrell         | Lock     |
| Colquitt         | McDonald |
| Colson, Mrs.     | Reed     |
| Davis of Jasper  | Roberts  |
| Dickson          | Segrist  |
| Gordon, Mrs.     | Skiles   |
| Harper           | Spencer  |
| Johnson of Ellis | Tennant  |
| Kerr             |          |

#### Absent

|              |                 |
|--------------|-----------------|
| Allison      | Hardeman        |
| Alsup        | Hartzog         |
| Baker        | Heflin          |
| of Fort Bend | Howard          |
| Bell         | Leonard         |
| Blankenship  | Loggins         |
| Boethel      | Monkhouse       |
| Bond         | Ragsdale        |
| Coleman      | Reader of Erath |
| Cornett      | Reaves          |
| Dean         | Schuenemann     |
| Derden       | Shell           |
| Dickison     | Talbert         |
| Dwyer        | Vale            |
| Felty        | White           |
| Goodman      | Winfree         |
| Hale         | Wright          |

#### Absent—Excused

|          |                 |
|----------|-----------------|
| Anderson | Reader of Bexar |
|----------|-----------------|

Question then recurring on the substitute motion, by Mr. Dowell, that the Conference Committee Report be not adopted and that a new Conference Committee be appointed, yeas and nays were demanded.

The motion prevailed by the following vote:

#### Yeas—53

|                |                 |
|----------------|-----------------|
| Alsup          | Daniel          |
| Boyd           | Davis of Upshur |
| Bradbury       | Dowell          |
| Brown          | Faulkner        |
| of Nacogdoches | Fielden         |
| Burney         | Fuchs           |
| Chambers       | Galbreath       |
| Crossley       | Hankamer        |



|             |                  |
|-------------|------------------|
| Harp        | Piner            |
| Harris      | Reader of Erath  |
| Hartzog     | Roach            |
| Holland     | Robinson         |
| Howington   | Russell          |
| Hunt        | Skiles           |
| Isaacks     | Smith of Hopkins |
| Keith       | Smith            |
| Kennedy     | of Matagorda     |
| Kern        | Stoll            |
| Leyendecker | Tarwater         |
| Loggins     | Thornberry       |
| London      | Vint             |
| Mays        | Voigt            |
| McMurry     | Weldon           |
| Mohrmann    | Wells            |
| Morris      | Westbrook        |
| Newell      | Wood             |
| Oliver      | Worley           |
| Pace        |                  |

## Nays—34

|                    |               |
|--------------------|---------------|
| Bailey             | Kinard        |
| Baker of Grayson   | Little        |
| Boyer              | McAlister     |
| Bradford           | McDaniel      |
| Broadfoot          | McFarland     |
| Cauthorn           | McNamara      |
| Clark              | Montgomery    |
| Cleveland          | Nicholson     |
| Corry              | Pevehouse     |
| Dean               | Rhodes        |
| Donaghey           | Riviere       |
| Ferguson           | Smith of Frio |
| Gilmer             | Stinson       |
| Hamilton           | Taylor        |
| Hardin             | Turner        |
| Hull               | Waggoner      |
| Johnson of Tarrant | Wilson        |

## Present—Not Voting

|                    |                  |
|--------------------|------------------|
| Allen              | Johnson of Ellis |
| Allison            | Kerr             |
| Bray               | Kersey           |
| Brown of Cherokee  | King             |
| Burkett            | Langdon          |
| Cockrell           | Lehman           |
| Colquitt           | Lock             |
| Colson, Mrs.       | Petsch           |
| Davis of Jasper    | Reed             |
| Dickson            | Roberts          |
| Gordon, Mrs.       | Segrist          |
| Harper             | Spencer          |
| Harrell of Bastrop | Tennant          |
| Harrell of Lamar   |                  |

## Absent

|              |          |
|--------------|----------|
| Baker        | Bridgers |
| of Fort Bend | Bundy    |
| Bell         | Celaya   |
| Blankenship  | Coleman  |
| Boethel      | Cornett  |
| Bond         | Derden   |

|           |             |
|-----------|-------------|
| Dickison  | Pope        |
| Dwyer     | Ragsdale    |
| Felty     | Reaves      |
| Goodman   | Schuenemann |
| Hale      | Shell       |
| Hardeman  | Talbert     |
| Heflin    | Thornton    |
| Howard    | Vale        |
| Leonard   | White       |
| McDonald  | Winfrey     |
| Monkhouse | Wright      |

## Absent—Excused

|          |                 |
|----------|-----------------|
| Anderson | Reader of Bexar |
|----------|-----------------|

Mr. Dowell moved to reconsider the vote by which the substitute motion prevailed, and to table the motion to reconsider.

The motion to table prevailed.

## EXPRESSING SYMPATHY OF THE HOUSE

Mr. Hartzog offered the following resolution:

H. S. R. No. 325, Expressing sympathy of the House to Miss Eugenia Morse.

Whereas, Miss Eugenia Morse, the charming young daughter of the Speaker of the House of Representatives, the Hon. R. Emmett Morse, is ill in the Memorial Hospital in Houston; and

Whereas, The Members of the House of Representatives regret exceedingly that Miss Morse is ill, and wish to extend to her their wishes for a speedy recovery; now, therefore, be it

Resolved by the House of Representatives, That a bouquet of flowers be sent to Miss Eugenia Morse at the Memorial Hospital in Houston, with the good wishes of the Members of the House of Representatives; and be it further

Resolved, That a copy of this resolution be sent to Miss Morse.

HARTZOG,  
THORNTON,  
LEONARD.

The resolution was read second time.

Signed—Allen, Allison, Alsup, Anderson, Bailey, Baker of Fort Bend, Baker of Grayson, Bell, Blankenship, Boethel, Bond, Boyd, Boyer, Bradbury, Bradford, Bray, Bridgers, Broadfoot, Brown of Cherokee, Brown of Nacogdoches, Bundy, Burkett, Burney, Cauthorn, Celaya, Chambers,

Clark, Cleveland, Cockrell, Coleman, Colquitt, Mrs. Colson, Cornett, Corry, Crossley, Daniel, Davis of Jasper, Davis of Upshur, Dean, Derden, Dickson, Dickson, Donaghey, Dowell, Dwyer, Faulkner, Felty, Ferguson, Fielden, Fuchs, Galbreath, Gilmer, Goodman, Mrs. Gordon, Hale, Hamilton, Hankamer, Hardeman, Hardin, Harp, Harper, Harrell of Bastrop, Harrell of Lamar, Harris, Heflin, Holland, Howard, Howington, Hull, Hunt, Isaacks, Johnson of Ellis, Johnson of Tarrant, Keith, Kennedy, Kern, Kerr, Kersey, Kinard, King, Langdon, Lehman, Leyendecker, Little, Lock, Loggins, London, Mays, McAlister, McDaniel, McDonald, McFarland, McMurry, McNamara, Mohrmann, Monkhouse, Montgomery, Morris, Newell, Nicholson, Oliver, Pace, Petsch, Pevehouse, Piner, Pope, Ragsdale, Reader of Bexar, Reader of Erath, Reaves, Reed, Rhodes, Riviere, Roach, Roberts, Robinson, Russell, Schuenemann, Segrist, Shell, Skiles, Smith of Frio, Smith of Hopkins, Smith of Matagorda, Spencer, Stinson, Stoll, Talbert, Tarwater, Taylor, Tennant, Thornberry, Turner, Vale, Vint, Voigt, Waggoner, Weldon, Wells, Westbrook, White, Wilson, Winfree, Wood, Worley and Wright.

On motion of Mr. Alsup, the names of all the Members of the House were added to the resolution, as signers thereof.

The resolution was unanimously adopted.

#### HOUSE BILL NO. 17 WITH SENATE AMENDMENTS

Mr. Boyer called up from the Speaker's table, with Senate amendments, for consideration of the amendments,

H. B. No. 17, A bill to be entitled "An Act providing a title for the Act; providing the definition of certain words, terms and phrases; providing certain exemptions; providing any one act prohibited herein shall be a violation hereof; providing for the administration of the Act; providing certain procedure for securing real estate dealers' and real estate salesmen's licenses and for certain information to be supplied by applicant and requiring the recommendation of the applicant by three real estate owners; etc., and declaring an emergency."

Mr. Boyer moved that the House do not concur in the Senate amendments, and that a Conference Committee be requested to adjust the differences between the two Houses on the bill.

The motion prevailed.

In accordance with the above action, the Chair announced the appointment of the following Conference Committee on House Bill No. 17: Messrs. Boyer, Bradford, Donaghey, Piner and Hardeman.

(Speaker in the Chair.)

#### APPOINTMENT OF CONFERENCE COMMITTEE ON HOUSE BILL NO. 1061

The Speaker announced the appointment of the following Conference Committee on House Bill No. 1061: Messrs. Hartzog, McNamara, Montgomery, Clark and Boyer.

#### MOTION TO PLACE HOUSE BILL NO. 1138 ON SECOND READING

Mr. Alsup moved that the necessary Rules be suspended, for the purpose of taking up, and considering, at this time,

H. B. No. 1138, A bill to be entitled "An Act to suspend the operation of the provisions of Senate Bill No. 9, Acts of the Forty-sixth Legislature, Regular Session, 1939, until ..... 1939, and declaring an emergency."

The motion was lost by the following vote (not receiving the necessary two-thirds vote):

#### Yeas—71

|                   |                    |
|-------------------|--------------------|
| Allen             | Cornett            |
| Allison           | Crossley           |
| Alsup             | Daniel             |
| Baker             | Davis of Jasper    |
| of Fort Bend      | Davis of Upshur    |
| Baker of Grayson  | Fuchs              |
| Boyd              | Gilmer             |
| Boyer             | Hankamer           |
| Bradbury          | Harp               |
| Bridgers          | Harper             |
| Brown of Cherokee | Harrell of Bastrop |
| Brown             | Harris             |
| of Nacogdoches    | Hartzog            |
| Burney            | Heflin             |
| Cauthorn          | Howard             |
| Chambers          | Howington          |
| Cleveland         | Hull               |
| Cockrell          | Hunt               |
| Colquitt          | Keith              |

|             |               |
|-------------|---------------|
| Kennedy     | Russell       |
| Kinard      | Segrist       |
| Langdon     | Skiles        |
| Leyendecker | Smith of Frio |
| Little      | Smith         |
| Loggins     | of Matagorda  |
| London      | Spencer       |
| Mays        | Stinson       |
| McAlister   | Tennant       |
| McDonald    | Thornberry    |
| Montgomery  | Thornton      |
| Newell      | Vint          |
| Nicholson   | Voigt         |
| Piner       | Waggoner      |
| Riviere     | Westbrook     |
| Roach       | Winfree       |
| Roberts     | Wood          |
| Robinson    | Worley        |

## Nays—54

|                    |                  |
|--------------------|------------------|
| Bailey             | Lehman           |
| Bell               | Leonard          |
| Bond               | Lock             |
| Bradford           | McDaniel         |
| Bray               | McFarland        |
| Bundy              | McMurry          |
| Burkett            | McNamara         |
| Clark              | Mohrmann         |
| Coleman            | Oliver           |
| Colson, Mrs.       | Pace             |
| Corry              | Petsch           |
| Dickison           | Pevehouse        |
| Dickson            | Reader of Bexar  |
| Faulkner           | Reader of Erath  |
| Ferguson           | Rhodes           |
| Fielden            | Schuenemann      |
| Galbreath          | Shell            |
| Gordon, Mrs.       | Smith of Hopkins |
| Hale               | Stoll            |
| Hamilton           | Taylor           |
| Hardeman           | Turner           |
| Harrell of Lamar   | Vale             |
| Holland            | Weldon           |
| Johnson of Tarrant | Wells            |
| Kern               | White            |
| Kerr               | Wilson           |
| King               | Wright           |

## Absent

|             |                  |
|-------------|------------------|
| Blankenship | Isaacks          |
| Boethel     | Johnson of Ellis |
| Broadfoot   | Kersey           |
| Celaya      | Monkhouse        |
| Dean        | Morris           |
| Derden      | Pope             |
| Donaghey    | Ragsdale         |
| Dowell      | Reaves           |
| Dwyer       | Reed             |
| Felty       | Talbert          |
| Goodman     | Tarwater         |
| Hardin      |                  |

## Absent—Excused

Anderson

## HOUSE CONCURRENT RESOLUTION NO. 193 WITH SENATE AMENDMENTS

Mr. Harrell of Lamar called up from the Speaker's table, with Senate amendments, for consideration of the amendments,

H. C. R. No. 193, To grant Mrs. Woodie Spore permission to sue the State.

On motion of Mr. Harrell of Lamar, the House concurred in the Senate amendments.

## RELATIVE TO HOUSE BILL NO. 912

Mr. Bell offered the following resolution:

H. C. R. No. 198, Relative to House Bill No. 912.

Whereas, House Bill No. 912 passed both Houses of the Legislature in the Regular Session of the Forty-sixth Legislature but failed to receive sufficient votes in either House to put the same into immediate effect; and

Whereas, Said Act provides among other things for the elimination of conflicts in the penalties prescribed for various violations of the present Liquor Control Act; and

Whereas, Enforcement of the liquor laws of this State has been seriously handicapped because of such penalty conflicts and the holding of the Court of Criminal Appeals in the case of Moran v. State, 122 S. W. (2d) 318, with relation to such conflicts; and

Whereas, Violations of the liquor law have become more frequent as information concerning the loopholes of present law has become more widespread, and will progressively increase until amendment of the law, as provided in House Bill No. 912, takes effect; and

Whereas, Any delay in correction of present law will greatly increase the cost of attempted enforcement of liquor laws, especially in dry areas, and create a condition difficult to later bring under control; and

Whereas, Section 39 of Article II of the Constitution of Texas provides that laws of the Legislature shall take effect and go into force ninety (90) days after the adjournment of the session at which they are enacted, unless in case of an emergency, which emergency must be expressed in a preamble or in the body of the Act,

the Legislature shall by vote of two-thirds of all the Members elected to each House otherwise direct; and

Whereas, Section 18 of House Bill No. 912 declares an emergency; now, therefore, be it

Resolved, That the Forty-sixth Legislature in Regular Session assembled by an affirmative vote of two-thirds of all the Members elected to each House hereby directs that said House Bill No. 912 be in full force and effect from and after the approval of said bill by the Governor, or the filing of same with the Secretary of State, and the passage of this resolution, the votes on this resolution to be taken by yeas and nays and entered upon the Journals of the respective Houses; the purpose of this resolution being to put said House Bill No. 912 into immediate effect without waiting for the expiration of the ninety (90) day period immediately following adjournment of the Regular Session of the Forty-sixth Legislature; and, be it further

Resolved, That said House Bill No. 912 including this resolution is an emergency measure, and such emergency is hereby further declared for the reasons herein and in said House Bill No. 912 stated.

BELL,  
PETSCH,  
DICKSON,  
BURNLEY.

The resolution was read second time.

Mr. Roach moved to the table the resolution.

Question recurring on the motion to table, yeas and nays were demanded.

The motion to table was lost by the following vote:

#### Yeas—38

|                   |                  |
|-------------------|------------------|
| Baker of Grayson  | Hale             |
| Bradbury          | Harrell of Lamar |
| Broadfoot         | Howington        |
| Brown of Cherokee | Kennedy          |
| Brown             | Kern             |
| of Nacogdoches    | King             |
| Bundy             | Langdon          |
| Burkett           | Lock             |
| Chambers          | London           |
| Clark             | Newell           |
| Crossley          | Oliver           |
| Davis of Jasper   | Petsch           |
| Davis of Upshur   | Reader of Erath  |
| Ferguson          | Reaves           |
| Galbreath         | Rhodes           |

Roach  
Roberts  
Russell  
Skiles  
Spencer

Talbert  
Weldon  
Westbrook  
White

#### Nays—90

Allen  
Alsup  
Bailey  
Baker  
of Fort Bend  
Bell  
Blankenship  
Boethel  
Bond  
Boyd  
Boyer  
Bradford  
Bray  
Burney  
Cauthorn  
Celaya  
Cockrell  
Colquitt  
Corry  
Daniel  
Dean  
Dickson  
Dickson  
Donaghey  
Dowell  
Faulkner  
Felty  
Fielden  
Fuchs  
Gilmer  
Goodman  
Gordon, Mrs.  
Hamilton  
Hankamer  
Hardeman  
Hardin  
Harp  
Harper  
Harrell of Bastrop  
Harris  
Hartzog  
Heflin  
Holland  
Johnson of Ellis  
Johnson of Tarrant  
Keith

Kerr  
Kersey  
Lehman  
Leyendecker  
Little  
Loggins  
McAlister  
McDaniel  
McDonald  
McFarland  
McMurry  
McNamara  
Mohrmann  
Monkhouse  
Montgomery  
Morris  
Nicholson  
Pace  
Pevehouse  
Piner  
Ragsdale  
Reader of Bexar  
Reed  
Riviere  
Schuenemann  
Segrist  
Shell  
Smith of Frio  
Smith  
of Matagorda  
Stinson  
Tarwater  
Taylor  
Tennant  
Thornberry  
Thornton  
Turner  
Vale  
Voigt  
Waggoner  
Wells  
Wilson  
Winfree  
Wood  
Worley  
Wright

#### Absent

Allison  
Bridgers  
Cleveland  
Coleman  
Colson, Mrs.  
Cornett  
Derden  
Howard

Hull  
Hunt  
Isaacks  
Kinard  
Leonard  
Mays  
Pope  
Robinson

Smith of Hopkins Vint  
Stoll

Absent—Excused

Anderson

Question recurring on the resolution, yeas and nays were demanded.

The resolution was lost by the following vote (not receiving the necessary 100 votes):

Yeas—94

|                    |                 |
|--------------------|-----------------|
| Allen              | Kerr            |
| Allison            | Kersey          |
| Alsup              | Lehman          |
| Bailey             | Leyendecker     |
| Baker              | Little          |
| of Fort Bend       | Loggins         |
| Baker of Grayson   | Mays            |
| Bell               | McAlister       |
| Boethel            | McDaniel        |
| Bond               | McDonald        |
| Boyd               | McFarland       |
| Boyer              | McMurry         |
| Bradford           | McNamara        |
| Bray               | Mohrmann        |
| Bundy              | Monkhouse       |
| Burney             | Montgomery      |
| Cauthorn           | Morris          |
| Cleveland          | Nicholson       |
| Cockrell           | Pace            |
| Coleman            | Petsch          |
| Colquitt           | Pevehouse       |
| Corry              | Pope            |
| Daniel             | Ragsdale        |
| Dean               | Reader of Bexar |
| Dickison           | Reader of Erath |
| Dickson            | Reed            |
| Donaghey           | Riviere         |
| Dowell             | Segrist         |
| Faulkner           | Shell           |
| Felty              | Smith of Frio   |
| Fielden            | Smith           |
| Fuchs              | of Matagorda    |
| Gilmer             | Stinson         |
| Goodman            | Stoll           |
| Gordon, Mrs.       | Tarwater        |
| Hamilton           | Taylor          |
| Hardeman           | Tennant         |
| Hardin             | Thornberry      |
| Harp               | Thornton        |
| Harper             | Turner          |
| Harrell of Bastrop | Vale            |
| Hartzog            | Voigt           |
| Heflin             | Waggoner        |
| Holland            | Wells           |
| Hull               | Wilson          |
| Johnson of Ellis   | Winfree         |
| Johnson of Tarrant | Worley          |
| Keith              | Wright          |

Nays—40

Bradbury Bridgers

|                   |                  |
|-------------------|------------------|
| Broadfoot         | Kern             |
| Brown of Cherokee | King             |
| Brown             | Langdon          |
| of Nacogdoches    | Lock             |
| Burkett           | Newell           |
| Chambers          | Oliver           |
| Clark             | Reaves           |
| Crossley          | Rhodes           |
| Davis of Jasper   | Roach            |
| Davis of Upshur   | Roberts          |
| Ferguson          | Russell          |
| Galbreath         | Schuenemann      |
| Hale              | Smith of Hopkins |
| Hankamer          | Spencer          |
| Harrell of Lamar  | Talbert          |
| Harris            | Weldon           |
| Howington         | Westbrook        |
| Hunt              | White            |
| Isaacks           | Wood             |
| Kennedy           |                  |

Absent

|              |          |
|--------------|----------|
| Blankenship  | Leonard  |
| Celaya       | London   |
| Colson, Mrs. | Piner    |
| Cornett      | Robinson |
| Derden       | Skiles   |
| Howard       | Vint     |
| Kinard       |          |

Absent—Excused

Anderson Dwyer

Mr. Isaacks moved to reconsider the vote by which the resolution failed to pass.

The motion to reconsider prevailed.

Question—Shall House Concurrent Resolution No. 198 be passed?

The roll of the House was called, and the vote announced, as follows: Yeas, 102; Nays, 31.

A verification of the vote was requested.

Mr. Bond moved a call of the House, pending the verification, and the call was duly ordered.

The roll of the "yeas" and "nays" was again called, and the verified vote resulted, as follows:

Yeas—105

|              |          |
|--------------|----------|
| Allen        | Boyd     |
| Allison      | Boyer    |
| Alsup        | Bradford |
| Bailey       | Bray     |
| Baker        | Bridgers |
| of Fort Bend | Bundy    |
| Bell         | Burney   |
| Boethel      | Cauthorn |
| Bond         | Celaya   |

|                    |                 |
|--------------------|-----------------|
| Cleveland          | Mays            |
| Cockrell           | McAlister       |
| Colquitt           | McDonald        |
| Corry              | McFarland       |
| Daniel             | McMurry         |
| Davis of Jasper    | McNamara        |
| Dean               | Mohrmann        |
| Dickison           | Monkhouse       |
| Dickson            | Montgomery      |
| Donaghey           | Morris          |
| Dowell             | Nicholson       |
| Faulkner           | Pace            |
| Felty              | Petsch          |
| Fielden            | Pevehouse       |
| Fuchs              | Piner           |
| Galbreath          | Pope            |
| Gilmer             | Reader of Bexar |
| Goodman            | Reader of Erath |
| Gordon, Mrs.       | Reed            |
| Hamilton           | Rhodes          |
| Hankamer           | Riviere         |
| Hardeman           | Robinson        |
| Hardin             | Russell         |
| Harper             | Schuenemann     |
| Harrell of Bastrop | Segrist         |
| Hartzog            | Shell           |
| Heflin             | Skiles          |
| Holland            | Smith of Frio   |
| Howard             | Stinson         |
| Hull               | Stoll           |
| Isaacks            | Tarwater        |
| Johnson of Ellis   | Taylor          |
| Johnson of Tarrant | Tennant         |
| Keith              | Thornberry      |
| Kerr               | Thornton        |
| Kersey             | Turner          |
| Kinard             | Vale            |
| Langdon            | Voigt           |
| Lehman             | Waggoner        |
| Leonard            | Wells           |
| Leyendecker        | Wilson          |
| Little             | Winfree         |
| Loggins            | Worley          |
| London             | Wright          |

## Nays—33

|                   |                  |
|-------------------|------------------|
| Baker of Grayson  | Hunt             |
| Bradbury          | Kennedy          |
| Broadfoot         | Kern             |
| Brown of Cherokee | King             |
| Burkett           | Lock             |
| Chambers          | Newell           |
| Clark             | Oliver           |
| Cornett           | Roach            |
| Crossley          | Roberts          |
| Davis of Upshur   | Smith of Hopkins |
| Derden            | Spencer          |
| Ferguson          | Talbert          |
| Hale              | Weldon           |
| Harp              | Westbrook        |
| Harrell of Lamar  | White            |
| Harris            | Wood             |
| Howington         |                  |

| Present—Not Voting |              |
|--------------------|--------------|
| Brown              |              |
| of Nacogdoches     |              |
| Absent             |              |
| Blankenship        | Reaves       |
| Coleman            | Smith        |
| Colson, Mrs.       | of Matagorda |
| McDaniel           | Vint         |
| Ragsdale           |              |
| Absent—Excused     |              |
| Anderson           | Dwyer        |

The Speaker announced that House Concurrent Resolution No. 198 was adopted by the above vote:

**GRANTING CERTAIN DISTRICT  
JUDGES PERMISSION TO  
BE ABSENT FROM  
THE STATE**

Mr. Blankenship offered the following resolution:

H. C. R. No. 199, Granting certain District Judges permission to be absent from the State.

Whereas, The District Judges of the Counties of Dallas, Harris, Bexar, Tarrant, and Ellis desire to leave the State sometime during the years 1939 and 1940 on personal business and to take a vacation; therefore, be it

Resolved by the House of Representatives, the Senate concurring, That the District Judges in the Counties of Dallas, Harris, Bexar, Tarrant, and Ellis, be and are hereby granted permission to be absent from the State of Texas for such time, and at such intervals as they may see fit and proper during the years 1939 and 1940, taking into consideration the condition of the docket of their respective courts.

**BLANKENSHIP,  
HULL,  
HEFLIN,  
DICKISON.**

The resolution was read second time, and was adopted.

**CONFERENCE COMMITTEE RE-  
PORT ON HOUSE BILL  
NO. 92**

Mr. Johnson of Tarrant submitted the following Conference Committee Report on House Bill No. 92:

Austin, Texas, May 2, 1939.  
Honorable Coke R. Stevenson, President of the Senate.  
and

Honorable R. Emmett Morse, Speaker  
of the House of Representatives.

Sirs: We, your Conference Committee, appointed to adjust the differences between the House and the Senate on House Bill No. 92, have met and beg leave to recommend that said House Bill No. 92 be passed in the form hereto attached.

Respectfully submitted,  
JOHNSON of Tarrant,  
READER of Erath,  
HULL,  
On the part of the House.  
HEAD,  
MARTIN,  
GRAVES,  
On the part of the Senate.

H. B. No. 92

### A BILL

To Be Entitled

An Act amending Article 2618 of the Revised Civil Statutes of Texas of 1925, changing the status of John Tarleton Agricultural College from a Junior College to a standard four-year college, and providing for a course of study for said College; and amending Article 2620 of the Revised Civil Statutes of Texas of 1925, changing the name of North Texas Junior Agricultural, Mechanical and Industrial College at Arlington to the name of North Texas Agricultural College, and placing said school under the Board of Directors of the Agricultural and Mechanical College of Texas; and amending Article 2621 of the Revised Civil Statutes of Texas of 1925, changing the status of said Junior College to a standard four-year college, and providing for a course of study for the same; and expressly repealing Articles 2622 and 2623 of the Revised Civil Statutes of Texas of 1925, and declaring an emergency.

Be It Enacted by the Legislature of the State of Texas:

Section 1. Article 2618 of the Revised Civil Statutes of Texas of 1925 is hereby amended and shall hereafter read as follows:

"Article 2618. The John Tarleton College, located at Stephenville, Texas, in Erath County, is hereby taken over by the State, under the terms and conditions set forth elsewhere in this

Act, and the same established as a coeducational State institution of agriculture, home economics, arts and sciences.

"The Board of Directors of the Agricultural and Mechanical College shall have all the powers necessary to establish and maintain said College as a coeducational institution in the arts and sciences and education, and to furnish instruction in agriculture, horticulture, floriculture, engineering, stock raising, and domestic arts and sciences, including the several branches and studies usually taught in the established institutions of like character, having in view the training of the youth for the more important industrial activities of life, while acquiring facilities for the acquirement of a good practical literary education, and such courses of study shall be offered in the John Tarleton Agricultural College as are found in the senior colleges of the first rank in similar fields in Texas or elsewhere, providing that any Bachelor Degree shall be based on four (4) years of college work, and provided that all work done and all credits, certificates, and diplomas given to students shall conform to standard college requirements as proposed by the accredited agencies of Texas, and other sections of the country. However, no degrees shall ever be conferred other than Bachelor's Degrees in the Arts and Sciences."

Sec. 2. Article 2620 of the Revised Civil Statutes of Texas of 1925 shall hereafter read, as follows:

"Article 2620. The North Texas Agricultural College at Arlington shall be under the direction of the Board of Directors of the Agricultural and Mechanical College of Texas."

Sec. 3. Article 2621 of the Revised Civil Statutes of Texas of 1925 shall hereafter read, as follows:

"Article 2621. The Board of Directors of the Agricultural and Mechanical College may have all the powers necessary to establish and maintain said College as a coeducational institution in the arts and sciences and education, and to furnish instruction in agriculture, horticulture, floriculture, engineering, stock raising, and domestic arts and sciences, including the several branches and studies usually taught in the established institutions of like character, having in view the training of the youth for the

more important industrial activities of life, while acquiring facilities for the acquirement of a good practical literary education, and such courses of study shall be offered in the North Texas Agricultural College as are found in the senior colleges of the first rank in similar fields in Texas or elsewhere, providing that any Bachelor Degree shall be based on four (4) years of college work, and providing that all work done and all credits, certificates, and diplomas given to students shall conform to standard college requirements as proposed by the accredited agencies of Texas and other sections of the country. However, no degrees shall ever be conferred other than Bachelor's Degrees in the Arts and Sciences."

Sec. 3-A. It is hereby declared the intent of the Legislature to raise the rank of the North Texas Agricultural College at Arlington and the John Tarleton Agricultural College at Stephenville from Junior Colleges offering two years of standard college work to the rank of four year colleges offering bachelor degrees in the Arts and Sciences as heretofore outlined in this Act, and it shall be the duty of the Board of Directors of the Agricultural and Mechanical College of Texas to recommend what courses shall be offered in said school.

Sec. 4. Articles 2622 and 2623 of the Revised Civil Statutes of Texas of 1925 are hereby expressly repealed.

Sec. 5. The fact that the communities in which John Tarleton Agricultural College and the North Texas Junior Agricultural, Mechanical and Industrial College are located are in vital need of the services to be offered by a four-year college, and the fact that said colleges may immediately begin preparing to offer a four-year college course as provided herein, and the fact that the name "North Texas Agricultural College" will better serve its intended purpose than the name "North Texas Junior Agricultural, Mechanical and Industrial College" create an imperative public necessity and emergency requiring that the Constitutional Rule requiring bills to be read on three several days in each House be suspended, and the same is hereby suspended, and that this Act take effect and be in force from and after its passage, and it is so enacted.

Mr. Johnson of Tarrant moved that the Report be adopted.

Mr. McDonald moved that further consideration of the Report be postponed indefinitely.

Mr. Langdon moved to table the motion to postpone.

Question recurring on the motion to table, yeas and nays were demanded.

The motion to table was lost by the following vote:

#### Yeas—60

|                    |                    |
|--------------------|--------------------|
| Allen              | Johnson of Tarrant |
| Bell               | Kersey             |
| Blankenship        | Langdon            |
| Boyer              | Lock               |
| Bradford           | Loggins            |
| Broadfoot          | London             |
| Burney             | McAlister          |
| Celaya             | McDaniel           |
| Chambers           | McFarland          |
| Clark              | McNamara           |
| Cleveland          | Montgomery         |
| Cockrell           | Pevehouse          |
| Corry              | Pope               |
| Daniel             | Ragsdale           |
| Davis of Upshur    | Reader of Bexar    |
| Dean               | Reader of Erath    |
| Dickison           | Reed               |
| Felty              | Russell            |
| Ferguson           | Schuenemann        |
| Fielden            | Segrist            |
| Hamilton           | Shell              |
| Hardin             | Smith of Frio      |
| Harp               | Smith of Hopkins   |
| Harper             | Smith              |
| Harrell of Bastrop | of Matagorda       |
| Hartzog            | Stinson            |
| Heflin             | Talbert            |
| Holland            | Taylor             |
| Howington          | Vale               |
| Hull               | Winfree            |
| Johnson of Ellis   |                    |

#### Nays—73

|                   |                 |
|-------------------|-----------------|
| Bailey            | Colson, Mrs.    |
| Baker             | Cornett         |
| of Fort Bend      | Crossley        |
| Baker of Grayson  | Davis of Jasper |
| Boethel           | Dickson         |
| Bond              | Dowell          |
| Boyd              | Faulkner        |
| Bradbury          | Fuchs           |
| Bray              | Galbreath       |
| Bridgers          | Gilmer          |
| Brown of Cherokee | Goodman         |
| Brown             | Gordon, Mrs.    |
| of Nacogdoches    | Hale            |
| Bundy             | Hankamer        |
| Burkett           | Hardeman        |
| Cauthorn          | Harris          |
| Coleman           | Hunt            |
| Colquitt          | Isaacks         |



|                  |                |                    |                  |
|------------------|----------------|--------------------|------------------|
| Keith            | Roach          | Burkett            | McFarland        |
| Kennedy          | Roberts        | Colquitt           | McMurry          |
| Kern             | Robinson       | Colson, Mrs.       | Mohrmann         |
| King             | Skiles         | Cornett            | Newell           |
| Lehman           | Spencer        | Davis of Jasper    | Nicholson        |
| Leyendecker      | Stoll          | Dickson            | Oliver           |
| Mays             | Tarwater       | Dowell             | Petsch           |
| McDonald         | Thornberry     | Faulkner           | Reaves           |
| McMurry          | Thornton       | Fuchs              | Rhodes           |
| Mohrmann         | Turner         | Gilmer             | Riviere          |
| Monkhouse        | Vint           | Goodman            | Roach            |
| Morris           | Voigt          | Gordon, Mrs.       | Roberts          |
| Newell           | Waggoner       | Hale               | Robinson         |
| Nicholson        | Weldon         | Hankamer           | Skiles           |
| Oliver           | Wells          | Hardeman           | Spencer          |
| Pace             | Westbrook      | Harrell of Bastrop | Stoll            |
| Petsch           | White          | Harris             | Tarwater         |
| Reaves           | Wilson         | Hunt               | Thornberry       |
| Rhodes           | Wood           | Isaacks            | Thornton         |
| Riviere          |                | Johnson of Ellis   | Turner           |
|                  | Absent         | Keith              | Vint             |
|                  |                | Kennedy            | Voigt            |
| Allison          | Kinard         | Kern               | Waggoner         |
| Alsup            | Leonard        | King               | Weldon           |
| Derden           | Little         | Lehman             | Wells            |
| Donaghey         | Piner          | Leyendecker        | Westbrook        |
| Harrell of Lamar | Tennant        | Mays               | Wood             |
| Howard           | Worley         | McDonald           |                  |
| Kerr             | Wright         |                    | Nays—58          |
|                  | Absent—Excused | Allen              | Leonard          |
| Anderson         | Dwyer          | Bell               | Lock             |
|                  |                | Blankenship        | Loggins          |
|                  |                | Boyer              | London           |
|                  |                | Bradford           | McAlister        |
|                  |                | Broadfoot          | McDaniel         |
|                  |                | Burney             | McNamara         |
|                  |                | Celaya             | Montgomery       |
|                  |                | Clark              | Pace             |
|                  |                | Cleveland          | Pevehouse        |
|                  |                | Cockrell           | Piner            |
|                  |                | Corry              | Pope             |
|                  |                | Daniel             | Reader of Bexar  |
|                  |                | Davis of Upshur    | Reader of Erath  |
|                  |                | Dean               | Reed             |
|                  |                | Dickison           | Russell          |
|                  |                | Felty              | Schuenemann      |
|                  |                | Ferguson           | Segrist          |
|                  |                | Fielden            | Shell            |
|                  |                | Galbreath          | Smith of Frio    |
|                  |                | Hamilton           | Smith of Hopkins |
|                  |                | Hardin             | Smith            |
|                  |                | Harp               | of Matagorda     |
|                  |                | Hartzog            | Stinson          |
|                  |                | Heflin             | Talbert          |
|                  |                | Holland            | Taylor           |
|                  |                | Howington          | Vale             |
|                  |                | Hull               | White            |
|                  |                | Johnson of Tarrant | Winfree          |
|                  |                | Langdon            |                  |
|                  |                |                    | Absent           |
|                  |                | Allison            | Cauthorn         |
|                  |                | Alsup              | Chambers         |

Allison  
Alsup  
Derden  
Donaghey  
Harrell of Lamar  
Howard  
Kerr

## Absent—Excused

Anderson Dwyer

Mr. Boyer moved the previous question on the motion to postpone, and the Conference Committee Report on House Bill No. 92, and the main question was ordered.

Question recurring on the motion to postpone the Conference Committee Report on House Bill No. 92 indefinitely, yeas and nays were demanded.

The roll of the House was called, and the vote announced, as follows—Yeas, 69; Nays, 62.

Mr. McAlister called for a verification of the vote.

Mr. Reader of Erath moved a call of the House pending the verification, and the call was duly ordered.

The roll of the "yeas" and "nays" was again called and the verified vote resulted, as follows:

## Yeas—67

Bailey  
Baker  
of Fort Bend  
Baker of Grayson  
Boethel  
Bond  
Boyd  
Bradbury  
Bray  
Bridgers  
Brown of Cherokee  
Brown  
of Nacogdoches  
Bundy

|                  |           |
|------------------|-----------|
| Coleman          | Kinard    |
| Crossley         | Little    |
| Derden           | Monkhouse |
| Donaghey         | Morris    |
| Harper           | Ragsdale  |
| Harrell of Lamar | Tennant   |
| Howard           | Wilson    |
| Kerr             | Worley    |
| Kersey           | Wright    |

## Absent—Excused

|          |       |
|----------|-------|
| Anderson | Dwyer |
|----------|-------|

The Speaker announced that the motion to postpone prevailed.

Mr. McDonald moved to reconsider the vote by which the motion to postpone indefinitely prevailed, and to table the motion to reconsider.

Question recurring on the motion to table, yeas and nays were demanded.

The motion to table prevailed by the following vote:

## Yeas—71

|                    |                 |
|--------------------|-----------------|
| Bailey             | Kern            |
| Baker              | King            |
| of Fort Bend       | Lehman          |
| Baker of Grayson   | Leyendecker     |
| Boethel            | Little          |
| Bond               | Mays            |
| Boyd               | McDonald        |
| Bradbury           | McFarland       |
| Bridgers           | McMurry         |
| Brown of Cherokee  | Mohrmann        |
| Brown              | Morris          |
| of Nacogdoches     | Newell          |
| Bundy              | Nicholson       |
| Burkett            | Pace            |
| Celaya             | Petsch          |
| Coleman            | Piner           |
| Colquitt           | Reader of Bexar |
| Colson, Mrs.       | Reaves          |
| Cornett            | Rhodes          |
| Crossley           | Riviere         |
| Davis of Jasper    | Roach           |
| Derden             | Roberts         |
| Dickson            | Robinson        |
| Dowell             | Skiles          |
| Ferguson           | Spencer         |
| Fuchs              | Stoll           |
| Gilmer             | Tarwater        |
| Gordon, Mrs.       | Thornberry      |
| Hale               | Thornton        |
| Hardeman           | Turner          |
| Harper             | Vint            |
| Harrell of Bastrop | Voigt           |
| Harris             | Waggoner        |
| Hunt               | Weldon          |
| Isaacks            | Wells           |
| Keith              | Wood            |
| Kennedy            |                 |

## Nays—59

|                  |                    |
|------------------|--------------------|
| Allen            | Johnson of Tarrant |
| Allison          | Kinard             |
| Bell             | Langdon            |
| Blankenship      | Lock               |
| Boyer            | Loggins            |
| Bradford         | London             |
| Bray             | McAlister          |
| Broadfoot        | McDaniel           |
| Burney           | McNamara           |
| Cauthorn         | Monkhouse          |
| Clark            | Montgomery         |
| Cleveland        | Pevehouse          |
| Cockrell         | Pope               |
| Corry            | Reader of Erath    |
| Daniel           | Reed               |
| Davis of Upshur  | Russell            |
| Dean             | Schuenemann        |
| Dickison         | Segrist            |
| Fielden          | Shell              |
| Galbreath        | Smith of Frio      |
| Goodman          | Smith of Hopkins   |
| Hamilton         | Smith              |
| Hardin           | of Matagorda       |
| Harp             | Stinson            |
| Harrell of Lamar | Talbert            |
| Hartzog          | Taylor             |
| Holland          | Wilson             |
| Howington        | Winfree            |
| Hull             | Worley             |
| Johnson of Ellis | Wright             |

## Absent

|          |           |
|----------|-----------|
| Alsup    | Kersey    |
| Chambers | Leonard   |
| Donaghey | Oliver    |
| Faulkner | Ragsdale  |
| Felty    | Tennant   |
| Hankamer | Vale      |
| Heflin   | Westbrook |
| Howard   | White     |
| Kerr     |           |

## Absent—Excused

|          |       |
|----------|-------|
| Anderson | Dwyer |
|----------|-------|

TO GRANT PERMISSION TO SUE  
THE STATE

Mr. Bailey offered the following resolution:

H. C. R. No. 200, To grant Tilford Moore permission to sue the State.

Whereas, There has been passed by both Houses of the Legislature, and signed by the Governor, House Concurrent Resolution No. 89, authorizing Tilford Moore, of Wood County, Texas, permission to sue the State; and

Whereas, The resolution granting said Moore permission to sue the State set forth purported facts which were a mistake; and

Whereas, This resolution is passed in place of and in lieu of House Concurrent Resolution No. 89, and is in all things to take the place of said resolution; and

Whereas, Tilford Moore, of Wood County, Texas, was seriously and permanently injured on or about the second day of July, 1937, by being thrown violently from a truck owned and operated by the State Highway Department of the State of Texas, said injury occurring on a public highway in Franklin County, Texas, the exact highway not being known to proponent, but located and situated in Franklin County, Texas, said truck being under control, management, and operation of the State Highway Department, its agents and representatives; and

Whereas, Said injury was due to the negligent, careless, and reckless operation of said truck by the State Highway Department, its employees, agents, and representatives; and

Whereas, But for such reckless, careless, and inconsiderate operation of such truck by the State Highway Department, its agents, employees, and representatives, said injury would not have occurred; and

Whereas, The reckless, careless, and inconsiderate operation of said truck was the direct and proximate cause of said injury; and

Whereas, Such injury has rendered the said Tilford Moore lame, halt, and incapacitated, and has left him permanently injured in body, which injury the said Tilford Moore will suffer for the remainder of his life, and he has suffered much pain, agony, and inconvenience, and has suffered impairment of the functions of his limbs and body; and

Whereas, Due to said injury the said Tilford Moore has been required to expend money in the payment of medical and hospital care as well as the expense of treatment and attention of doctors, and will in the future continue to incur expenses and suffering because of such injury; and

Whereas, The said Tilford Moore desires to bring suit against the State of Texas and the State Highway Department to establish and recover damages, if any, resulting to him by virtue of said injury; and

Whereas, It is alleged, the said Tilford Moore has never been compensated by the State of Texas for his

damages resulting from said injuries; now, therefore, be it

Resolved by the House of Representatives of the State of Texas, the Senate concurring, That Tilford Moore is hereby granted permission to bring suit against the State of Texas and/or the State Highway Department on account of such damages accruing because of such injuries, past, present, and future, and as well to recover medical expenses, hospitalization, and each and every expense for such expenditures of money, and reasonable damages for the pain, and suffering of the said Tilford Moore because of such injuries, whether suffered in the past, or to be endured in the future; such injuries being due directly to the reckless, negligent, and wanton operation of the truck hereinabove mentioned, operated, and controlled at the time of such injury by the State Highway Department, its agents, employees, and representatives; and, be it further

Resolved, That said suit be filed and authorized to be filed in any court of competent jurisdiction in Wood County, Texas; and, be it further

Resolved, That process in such suit be served upon the Chairman of the State Highway Commission, and the Attorney General of Texas, in that when so served it shall have the same force and effect as in other civil cases; and, be it further

Resolved, That the sole purpose of this resolution is to grant permission to said Tilford Moore to bring suit against the State of Texas and/or State Highway Department for the above alleged cause of action, and no statement made herein shall be construed as an admission of fact by the State and/or Highway Department.

The resolution was read second time, and was referred, by the Speaker, to the Committee on State Affairs.

#### ADOPTION OF CONFERENCE COMMITTEE REPORT ON SENATE BILL NO. 224

The Speaker laid before the House, as pending business, the Conference Committee Report on Senate Bill No. 224.

Mr. Hartzog having heretofore moved that the Report be adopted, and Mr. Wood having moved that further consideration of the Report be postponed until 11:00 o'clock a. m., to-

morrow, and motion by Mr. Hartzog to table the motion to postpone pending.

Question recurring on the motion to table, yeas and nays were demanded.

The motion to table prevailed by the following vote:

## Yeas—71

|                    |                    |
|--------------------|--------------------|
| Allen              | Johnson of Ellis   |
| Allison            | Johnson of Tarrant |
| Bailey             | Kersey             |
| Baker              | King               |
| of Fort Bend       | Lehman             |
| Bell               | Leonard            |
| Bond               | Loggins            |
| Bradford           | London             |
| Bray               | Mays               |
| Brown              | McAlister          |
| of Nacogdoches     | McDaniel           |
| Burney             | McDonald           |
| Celaya             | McMurry            |
| Chambers           | Monkhouse          |
| Cleveland          | Montgomery         |
| Cockrell           | Pace               |
| Colquitt           | Petsch             |
| Colson, Mrs.       | Pevehouse          |
| Crossley           | Reader of Erath    |
| Davis of Jasper    | Reed               |
| Dickson            | Riviere            |
| Donaghey           | Roberts            |
| Faulkner           | Robinson           |
| Felty              | Schuenemann        |
| Gilmer             | Smith of Frio      |
| Goodman            | Stinson            |
| Hamilton           | Stoll              |
| Hankamer           | Talbert            |
| Hardin             | Taylor             |
| Harp               | Thornton           |
| Harrell of Bastrop | Turner             |
| Hartzog            | Vale               |
| Howard             | Voigt              |
| Howington          | Waggoner           |
| Hull               | Winfree            |
| Hunt               | Wright             |
| Isaacks            |                    |

## Nays—58

|                   |                  |
|-------------------|------------------|
| Alsup             | Dickison         |
| Baker of Grayson  | Dowell           |
| Blankenship       | Ferguson         |
| Boethel           | Fielden          |
| Boyd              | Fuchs            |
| Bradbury          | Galbreath        |
| Bridgers          | Hale             |
| Brown of Cherokee | Hardeman         |
| Bundy             | Harper           |
| Burkett           | Harrell of Lamar |
| Clark             | Harris           |
| Coleman           | Holland          |
| Cornett           | Keith            |
| Davis of Upshur   | Kennedy          |
| Derden            | Kern             |

|             |              |
|-------------|--------------|
| Kerr        | Skiles       |
| Langdon     | Smith        |
| Leyendecker | of Matagorda |
| Lock        | Spencer      |
| McFarland   | Tarwater     |
| McNamara    | Tennant      |
| Mohrmann    | Thornberry   |
| Morris      | Vint         |
| Newell      | Weldon       |
| Piner       | Wells        |
| Pope        | Westbrook    |
| Reaves      | White        |
| Rhodes      | Wilson       |
| Roach       | Wood         |
| Russell     |              |

## Absent

|              |                  |
|--------------|------------------|
| Boyer        | Little           |
| Broadfoot    | Nicholson        |
| Cauthorn     | Oliver           |
| Corry        | Ragsdale         |
| Daniel       | Segrist          |
| Dean         | Shell            |
| Gordon, Mrs. | Smith of Hopkins |
| Heflin       | Worley           |
| Kinard       |                  |

## Absent—Excused

|          |                 |
|----------|-----------------|
| Anderson | Reader of Bexar |
| Dwyer    |                 |

Mr. Bond moved the previous question, on the Conference Committee Report on Senate Bill No. 224, and the main question was ordered.

The Report was adopted by the following vote:

## Yeas—81

|                 |                    |
|-----------------|--------------------|
| Allen           | Gilmer             |
| Alsup           | Goodman            |
| Bailey          | Hamilton           |
| Baker           | Hankamer           |
| of Fort Bend    | Hardin             |
| Bell            | Harp               |
| Bond            | Harper             |
| Boyer           | Harrell of Lamar   |
| Bradbury        | Harris             |
| Bradford        | Hartzog            |
| Bray            | Heflin             |
| Chambers        | Howard             |
| Cleveland       | Howington          |
| Cockrell        | Hull               |
| Coleman         | Hunt               |
| Colquitt        | Johnson of Ellis   |
| Colson, Mrs.    | Johnson of Tarrant |
| Crossley        | Kersey             |
| Davis of Jasper | Kinard             |
| Dean            | King               |
| Dickison        | Lehman             |
| Dickson         | Leonard            |
| Donaghey        | Leyendecker        |
| Faulkner        | Loggins            |
| Felty           | London             |

|                 |               |
|-----------------|---------------|
| Mays            | Segrist       |
| McAlister       | Smith of Frio |
| McDaniel        | Stinson       |
| McMurry         | Stoll         |
| Mohrmann        | Talbert       |
| Monkhouse       | Tarwater      |
| Montgomery      | Taylor        |
| Oliver          | Thornton      |
| Pace            | Turner        |
| Petsch          | Vale          |
| Pevehouse       | Voigt         |
| Reader of Erath | Waggoner      |
| Reed            | Wells         |
| Riviere         | White         |
| Roberts         | Winfree       |
| Robinson        | Worley        |

## Nays—54

|                    |              |
|--------------------|--------------|
| Allison            | Isaacks      |
| Baker of Grayson   | Keith        |
| Blankenship        | Kennedy      |
| Boethel            | Kern         |
| Boyd               | Kerr         |
| Bridgers           | Langdon      |
| Broadfoot          | Lock         |
| Brown of Cherokee  | McDonald     |
| Brown              | McFarland    |
| of Nacogdoches     | McNamara     |
| Bundy              | Morris       |
| Burkett            | Piner        |
| Burney             | Pope         |
| Cauthorn           | Reaves       |
| Clark              | Rhodes       |
| Cornett            | Russell      |
| Davis of Upshur    | Skiles       |
| Derden             | Smith        |
| Dowell             | of Matagorda |
| Ferguson           | Spencer      |
| Fielden            | Tennant      |
| Fuchs              | Thornberry   |
| Galbreath          | Vint         |
| Gordon, Mrs.       | Weldon       |
| Hale               | Westbrook    |
| Hardeman           | Wilson       |
| Harrell of Bastrop | Wood         |
| Holland            | Wright       |

## Absent

|        |                  |
|--------|------------------|
| Celaya | Nicholson        |
| Corry  | Ragsdale         |
| Daniel | Roach            |
| Dwyer  | Schuenemann      |
| Little | Shell            |
| Newell | Smith of Hopkins |

## Absent—Excused

|          |                 |
|----------|-----------------|
| Anderson | Reader of Bexar |
|----------|-----------------|

Mr. Galbreath raised a point of order, on the ground that a general tax remission requires a two-thirds vote.

The Speaker overruled the point of order.

## HOUSE BILL NO. 426 WITH SENATE AMENDMENTS

Mr. Thornton called up from the Speaker's table, with Senate amendments, for consideration of the amendments,

H. B. No. 426, A bill to be entitled "An Act making appropriations to pay deficiency appropriations granted by the Governor during the fiscal years beginning September 1, 1936, and ending August 31, 1938, and declaring an emergency."

On motion of Mr. Thornton, the House concurred in the Senate amendments by the following vote:

## Yeas—131

|                   |                    |
|-------------------|--------------------|
| Allen             | Dowell             |
| Allison           | Faulkner           |
| Alsup             | Felty              |
| Bailey            | Ferguson           |
| Baker             | Fielden            |
| of Fort Bend      | Fuchs              |
| Baker of Grayson  | Galbreath          |
| Bell              | Gilmer             |
| Blankenship       | Goodman            |
| Boethel           | Gordon, Mrs.       |
| Bond              | Hale               |
| Boyd              | Hamilton           |
| Boyer             | Hankamer           |
| Bradbury          | Hardin             |
| Bradford          | Harp               |
| Bray              | Harper             |
| Bridgers          | Harrell of Bastrop |
| Broadfoot         | Harrell of Lamar   |
| Brown of Cherokee | Heflin             |
| Brown             | Holland            |
| of Nacogdoches    | Howard             |
| Bundy             | Howington          |
| Burney            | Hull               |
| Cauthorn          | Hunt               |
| Celaya            | Isaacks            |
| Chambers          | Johnson of Ellis   |
| Clark             | Johnson of Tarrant |
| Cleveland         | Keith              |
| Cockrell          | Kennedy            |
| Coleman           | Kern               |
| Colquitt          | Kersey             |
| Colson, Mrs.      | Kinard             |
| Cornett           | King               |
| Corry             | Langdon            |
| Crossley          | Lehman             |
| Daniel            | Leyendecker        |
| Davis of Upshur   | Lock               |
| Derden            | Loggins            |
| Dickison          | London             |
| Dickson           | Mays               |
| Donaghey          | McAlister          |

|                 |               |
|-----------------|---------------|
| McDaniel        | Shell         |
| McDonald        | Skiles        |
| McFarland       | Smith of Frio |
| McMurry         | Spencer       |
| McNamara        | Stinson       |
| Mohrmann        | Talbert       |
| Monkhouse       | Tarwater      |
| Montgomery      | Taylor        |
| Morris          | Tennant       |
| Newell          | Thornberry    |
| Oliver          | Thornton      |
| Pace            | Turner        |
| Petsch          | Vale          |
| Pevehouse       | Vint          |
| Piner           | Voigt         |
| Pope            | Waggoner      |
| Reader of Erath | Weldon        |
| Reaves          | Wells         |
| Reed            | Westbrook     |
| Rhodes          | White         |
| Riviere         | Wilson        |
| Roach           | Winfree       |
| Roberts         | Wood          |
| Robinson        | Worley        |
| Russell         | Wright        |
| Schuenemann     |               |

## Nays—4

|         |              |
|---------|--------------|
| Burkett | Smith        |
| Kerr    | of Matagorda |
|         | Stoll        |

## Absent

|                 |                  |
|-----------------|------------------|
| Davis of Jasper | Leonard          |
| Dean            | Little           |
| Dwyer           | Nicholson        |
| Hardeman        | Ragsdale         |
| Harris          | Segrist          |
| Hartzog         | Smith of Hopkins |

## Absent—Excused

|          |                 |
|----------|-----------------|
| Anderson | Reader of Bexar |
|----------|-----------------|

## MOTION TO INTRODUCE CERTAIN RESOLUTION

Mr. Goodman moved to introduce the following resolution:

By Mr. Goodman:

H. J. R. No. \_\_\_\_\_, Proposing an amendment to Article VIII of the Constitution of the State of Texas, to be known as Section 9 (a), Article VIII, authorizing counties to levy a tax not exceeding Fifteen (15c) Cents on the One Hundred (\$100.00) Dollars valuation for the exclusive purpose of providing for the support and maintenance of indigent citizens of such counties who are unable to support and maintain themselves and who have no other means of support-

ing and maintaining themselves, and providing that expenditures for such purpose shall not exceed money actually collected, and that no pledge of such taxes not actually collected at time pledge is made shall be valid.

The motion was lost by the following vote (not receiving the necessary four-fifths vote):

## Yeas—74

|                    |                    |
|--------------------|--------------------|
| Allison            | Howington          |
| Alsup              | Hull               |
| Bailey             | Johnson of Ellis   |
| Baker              | Johnson of Tarrant |
| of Fort Bend       | Kennedy            |
| Baker of Grayson   | Kersey             |
| Blankenship        | Kinard             |
| Boyd               | King               |
| Boyer              | Langdon            |
| Bradbury           | Lehman             |
| Bradford           | Leonard            |
| Bridgers           | Lock               |
| Broadfoot          | McAlister          |
| Brown              | McDaniel           |
| of Nacogdoches     | McDonald           |
| Burkett            | McFarland          |
| Burney             | McMurry            |
| Cauthorn           | Montgomery         |
| Chambers           | Newell             |
| Cleveland          | Petsch             |
| Cockrell           | Reaves             |
| Coleman            | Reed               |
| Colquitt           | Rhodes             |
| Crossley           | Riviere            |
| Davis of Jasper    | Roberts            |
| Derden             | Robinson           |
| Dickison           | Russell            |
| Donaghey           | Segrist            |
| Dowell             | Smith of Frio      |
| Faulkner           | Smith              |
| Ferguson           | of Matagorda       |
| Gilmer             | Spencer            |
| Goodman            | Stinson            |
| Hale               | Talbert            |
| Hamilton           | Thornberry         |
| Hardin             | Voigt              |
| Harp               | Weldon             |
| Harrell of Bastrop | Westbrook          |
| Holland            |                    |

## Nays—36

|                   |                 |
|-------------------|-----------------|
| Allen             | Harper          |
| Boethel           | Keith           |
| Bond              | Kern            |
| Bray              | Kerr            |
| Brown of Cherokee | Mays            |
| Bundy             | McNamara        |
| Davis of Upshur   | Mohrmann        |
| Felty             | Morris          |
| Fielden           | Piner           |
| Fuchs             | Pope            |
| Galbreath         | Reader of Erath |
| Gordon, Mrs.      | Roach           |

|          |         |
|----------|---------|
| Stoll    | Wells   |
| Taylor   | White   |
| Tennant  | Wilson  |
| Thornton | Winfree |
| Vale     | Wood    |
| Waggoner | Wright  |

**Absent**

|                  |                  |
|------------------|------------------|
| Bell             | Leyendecker      |
| Celaya           | Little           |
| Clark            | Loggins          |
| Colson, Mrs.     | London           |
| Cornett          | Monkhouse        |
| Corry            | Nicholson        |
| Daniel           | Oliver           |
| Dean             | Pace             |
| Dickson          | Pevehouse        |
| Hankamer         | Ragsdale         |
| Hardeman         | Schuenemann      |
| Harrell of Lamar | Shell            |
| Harris           | Skiles           |
| Hartzog          | Smith of Hopkins |
| Heflin           | Tarwater         |
| Howard           | Turner           |
| Hunt             | Vint             |
| Isaacks          | Worley           |

**Absent—Excused**

|          |                 |
|----------|-----------------|
| Anderson | Reader of Bexar |
| Dwyer    |                 |

**HOUSE CONCURRENT RESOLUTION NO. 179 WITH SENATE AMENDMENTS**

Mr. Kinard called up from the Speaker's table, with Senate amendments, for consideration of the amendments,

H. C. R. No. 179, by Mr. Kinard, To grant A. J. Clingan permission to sue the State.

On motion of Mr. Kinard, the House concurred in the Senate amendments.

**TO GRANT PERMISSION TO SUE THE STATE**

The Speaker laid before the House, for consideration, at this time, House Concurrent Resolution No. 200, by Mr. Bailey, To grant Tilford Moore permission to sue the State.

The resolution having heretofore been read second time, and referred to the Committee on State Affairs.

The Committee on State Affairs having recommended the adoption of the resolution.

The resolution was then adopted.

Mr. Hamilton moved that the House

adjourn until 10:00 o'clock a. m., tomorrow.

The motion was lost.

**MESSAGE FROM THE SENATE**

Austin, Texas, June 19, 1939.

Hon. R. Emmett Morse, Speaker of the House of Representatives.

Sir: I am directed by the Senate to inform the House that the Senate has passed the following:

S. B. No. 493, A bill to be entitled "An Act amending Section 17a of Chapter 126 of the Acts of the Regular Session of the Forty-fourth Legislature, as amended by Senate Bill No. 21, etc., and declaring an emergency."

The Senate has granted the request of the House for a Conference Committee to adjust the differences between the two Houses on House Bill No. 17.

The following have been appointed, on the part of the Senate: Senators Small, Cotten, Burns, Graves and Shivers.

Respectfully,

BOB BARKER,  
Secretary of the Senate.

**SENATE BILL ON FIRST READING**

The following Senate bill, received from the Senate, was laid before the House, read first time, and referred to the appropriate committee, as follows:

Senate Bill No. 493, to the Committee on State Affairs.

**BILL ORDERED NOT PRINTED**

(By unanimous consent)

On motion of Mr. Hardeman, Senate Bill No. 493 was ordered not printed.

**SENATE BILL NO. 433 ON SECOND READING**

Mr. Allison moved that the necessary rules be suspended for the purpose of taking up, and considering, at this time, Senate Bill No. 433.

The motion prevailed by the following vote:

Yeas—130

|         |              |
|---------|--------------|
| Allen   | Bailey       |
| Allison | Baker        |
| Alsup   | of Fort Bend |

|                    |                 |
|--------------------|-----------------|
| Baker of Grayson   | Kersey          |
| Bell               | Kinard          |
| Blankenship        | King            |
| Bond               | Langdon         |
| Boyd               | Lehman          |
| Boyer              | Leonard         |
| Bradbury           | Leyendecker     |
| Bradford           | Little          |
| Bray               | Lock            |
| Broadfoot          | Mays            |
| Brown of Cherokee  | McAlister       |
| Brown              | McDaniel        |
| of Nacogdoches     | McDonald        |
| Bundy              | McFarland       |
| Burkett            | McMurry         |
| Burney             | McNamara        |
| Cauthorn           | Mohrmann        |
| Celaya             | Monkhouse       |
| Chambers           | Montgomery      |
| Clark              | Morris          |
| Cleveland          | Newell          |
| Cockrell           | Oliver          |
| Coleman            | Pace            |
| Colquitt           | Petsch          |
| Colson, Mrs.       | Pevehouse       |
| Cornett            | Piner           |
| Crossley           | Pope            |
| Daniel             | Reader of Erath |
| Davis of Jasper    | Reaves          |
| Derden             | Reed            |
| Dickison           | Rhodes          |
| Dickson            | Riviere         |
| Donaghey           | Roach           |
| Dowell             | Roberts         |
| Faulkner           | Robinson        |
| Felty              | Russell         |
| Ferguson           | Schuenemann     |
| Fielden            | Shell           |
| Fuchs              | Skiles          |
| Galbreath          | Smith of Frio   |
| Goodman            | Smith           |
| Gordon, Mrs.       | of Matagorda    |
| Hale               | Spencer         |
| Hamilton           | Stinson         |
| Hankamer           | Stoll           |
| Hardin             | Talbert         |
| Harp               | Tarwater        |
| Harper             | Taylor          |
| Harrell of Lamar   | Tennant         |
| Harris             | Thornberry      |
| Hartzog            | Thornton        |
| Heflin             | Turner          |
| Holland            | Vale            |
| Howard             | Vint            |
| Howington          | Weldon          |
| Hull               | Wells           |
| Hunt               | Westbrook       |
| Isaacks            | White           |
| Johnson of Ellis   | Wilson          |
| Johnson of Tarrant | Winfree         |
| Keith              | Wood            |
| Kennedy            | Worley          |
| Kern               | Wright          |
| Kerr               |                 |

## Absent

|                    |                  |
|--------------------|------------------|
| Boethel            | Loggins          |
| Bridgers           | London           |
| Corry              | Nicholson        |
| Davis of Upshur    | Ragsdale         |
| Dean               | Segrist          |
| Dwyer              | Smith of Hopkins |
| Gilmer             | Voigt            |
| Hardeman           | Waggoner         |
| Harrell of Bastrop |                  |

## Absent—Excused

|          |                 |
|----------|-----------------|
| Anderson | Reader of Bexar |
|----------|-----------------|

The Speaker then laid before the House, on its second reading and passage to third reading,

S. B. No. 433, A bill to be entitled "An Act to enable common school districts in each county of Texas having a population of not less than eleven thousand, twenty-one (11,021) nor more than eleven thousand, fifty (11,050), according to the latest Federal Census, to vote bonds, levy taxes for the same, for the purpose of purchasing not more than one school bus, etc., and declaring an emergency."

The bill was read second time, and was passed to third reading.

## SENATE BILL NO. 433 ON THIRD READING

Mr. Allison moved that the constitutional rule, requiring bills to be read on three several days, be suspended, and that Senate Bill No. 433 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—128

|                   |                 |
|-------------------|-----------------|
| Allen             | Brown           |
| Allison           | of Nacogdoches  |
| Alsup             | Bundy           |
| Bailey            | Burkett         |
| Baker             | Burney          |
| of Fort Bend      | Cauthorn        |
| Baker of Grayson  | Chambers        |
| Bell              | Clark           |
| Blankenship       | Cleveland       |
| Boethel           | Cockrell        |
| Bond              | Coleman         |
| Boyd              | Colquitt        |
| Boyer             | Colson, Mrs.    |
| Bradbury          | Cornett         |
| Bradford          | Corry           |
| Bray              | Davis of Jasper |
| Bridgers          | Dickison        |
| Broadfoot         | Dickson         |
| Brown of Cherokee | Donaghey        |



|                    |                  |
|--------------------|------------------|
| Dowell             | Mohrmann         |
| Faulkner           | Monkhouse        |
| Felty              | Montgomery       |
| Ferguson           | Morris           |
| Fielden            | Newell           |
| Fuchs              | Pace             |
| Galbreath          | Petsch           |
| Gilmer             | Pevehouse        |
| Goodman            | Piner            |
| Gordon, Mrs.       | Pope             |
| Hale               | Reader of Erath  |
| Hamilton           | Reaves           |
| Hankamer           | Reed             |
| Hardin             | Rhodes           |
| Harp               | Riviere          |
| Harper             | Roach            |
| Harrell of Lamar   | Roberts          |
| Harris             | Robinson         |
| Heflin             | Russell          |
| Holland            | Schuenemann      |
| Howard             | Shell            |
| Howington          | Skiles           |
| Hull               | Smith of Frio    |
| Hunt               | Smith of Hopkins |
| Isaacks            | Smith            |
| Johnson of Ellis   | of Matagorda     |
| Johnson of Tarrant | Spencer          |
| Keith              | Stinson          |
| Kennedy            | Stoll            |
| Kern               | Talbert          |
| Kerr               | Tarwater         |
| Kersey             | Taylor           |
| Kinard             | Tennant          |
| King               | Thornberry       |
| Langdon            | Thornton         |
| Lehman             | Turner           |
| Leonard            | Vale             |
| Leyendecker        | Vint             |
| Little             | Waggoner         |
| Lock               | Weldon           |
| Mays               | Wells            |
| McAlister          | Westbrook        |
| McDaniel           | White            |
| McDonald           | Wilson           |
| McFarland          | Worley           |
| McMurry            | Wright           |
| McNamara           |                  |

## Nays—1

Wood

## Absent

|                    |           |
|--------------------|-----------|
| Celaya             | Hartzog   |
| Crossley           | Loggins   |
| Daniel             | London    |
| Davis of Upshur    | Nicholson |
| Dean               | Oliver    |
| Derden             | Ragsdale  |
| Dwyer              | Segrist   |
| Hardeman           | Voigt     |
| Harrell of Bastrop | Winfree   |

## Absent—Excused

Anderson Reader of Bexar

The Speaker then laid Senate Bill No. 433 before the House on third reading and final passage.

The bill was read third time, and was passed by the following vote:

## Yeas—128

|                   |                    |
|-------------------|--------------------|
| Allen             | Heflin             |
| Allison           | Holland            |
| Alsup             | Howard             |
| Bailey            | Howington          |
| Baker             | Hull               |
| of Fort Bend      | Hunt               |
| Baker of Grayson  | Isaacks            |
| Bell              | Johnson of Ellis   |
| Blankenship       | Johnson of Tarrant |
| Boethel           | Keith              |
| Bond              | Kennedy            |
| Boyd              | Kern               |
| Boyer             | Kerr               |
| Bradbury          | Kersey             |
| Bradford          | Kinard             |
| Bray              | King               |
| Bridgers          | Langdon            |
| Broadfoot         | Lehman             |
| Brown of Cherokee | Leonard            |
| Brown             | Leyendecker        |
| of Nacogdoches    | Little             |
| Bundy             | Lock               |
| Burkett           | Mays               |
| Burney            | McAlister          |
| Cauthorn          | McDaniel           |
| Chambers          | McDonald           |
| Clark             | McFarland          |
| Cleveland         | McMurry            |
| Cockrell          | McNamara           |
| Coleman           | Mohrmann           |
| Colquitt          | Monkhouse          |
| Colosn, Mrs.      | Montgomery         |
| Cornett           | Morris             |
| Corry             | Newell             |
| Davis of Jasper   | Pace               |
| Dickison          | Petsch             |
| Dickson           | Pevehouse          |
| Donaghey          | Piner              |
| Dowell            | Pope               |
| Faulkner          | Reader of Erath    |
| Felty             | Reaves             |
| Ferguson          | Reed               |
| Fielden           | Rhodes             |
| Fuchs             | Riviere            |
| Galbreath         | Roach              |
| Gilmer            | Roberts            |
| Goodman           | Robinson           |
| Gordon, Mrs.      | Russell            |
| Hale              | Schuenemann        |
| Hamilton          | Shell              |
| Hankamer          | Skiles             |
| Hardin            | Smith of Frio      |
| Harp              | Smith of Hopkins   |
| Harper            | Smith              |
| Harrell of Lamar  | of Matagorda       |
| Harris            | Spencer            |

|            |           |
|------------|-----------|
| Stinson    | Vint      |
| Stoll      | Waggoner  |
| Talbert    | Weldon    |
| Tarwater   | Wells     |
| Taylor     | Westbrook |
| Tennant    | White     |
| Thornberry | Wilson    |
| Thornton   | Worley    |
| Turner     | Wright    |
| Vale       |           |

Nays—1

Wood

Absent

|                    |           |
|--------------------|-----------|
| Celaya             | Hartzog   |
| Crossley           | Loggins   |
| Daniel             | London    |
| Davis of Upshur    | Nicholson |
| Dean               | Oliver    |
| Derden             | Ragsdale  |
| Dwyer              | Segrist   |
| Hardeman           | Voigt     |
| Harrell of Bastrop | Winfree   |

Absent—Excused

Anderson

Reader of Bexar

# SENATE BILL NO. 261 ON SECOND READING

Mr. Allison moved that the necessary rules be suspended for the purpose of taking up, and considering, at this time, Senate Bill No. 261.

The motion prevailed by the following vote:

Yeas—128

|                   |                 |
|-------------------|-----------------|
| Allen             | Chambers        |
| Allison           | Clark           |
| Alsup             | Cleveland       |
| Bailey            | Cockrell        |
| Baker             | Coleman         |
| of Fort Bend      | Colquitt        |
| Baker of Grayson  | Colson, Mrs.    |
| Bell              | Cornett         |
| Blankenship       | Corry           |
| Boethel           | Davis of Jasper |
| Bond              | Dickison        |
| Boyd              | Dickson         |
| Boyer             | Donaghey        |
| Bradbury          | Dowell          |
| Bradford          | Faulkner        |
| Bray              | Felty           |
| Bridgers          | Ferguson        |
| Broadfoot         | Fielden         |
| Brown of Cherokee | Fuchs           |
| Brown             | Galbreath       |
| of Nacogdoches    | Gilmer          |
| Bundy             | Goodman         |
| Burkett           | Gordon, Mrs.    |
| Burney            | Hale            |
| Cauthorn          | Hamilton        |

|                    |                   |
|--------------------|-------------------|
| Hankamer           | Petsch            |
| Hardin             | Pevehouse         |
| Harp               | Piner             |
| Harper             | Pope              |
| Harrell of Lamar   | Reader of Erath   |
| Harris             | Reaves            |
| Heflin             | Reed              |
| Holland            | Rhodes            |
| Howard             | Riviere           |
| Howington          | Roach             |
| Hull               | Roberts           |
| Hunt               | Robinson          |
| Isaacks            | Russell           |
| Johnson of Ellis   | Schuenemann       |
| Johnson of Tarrant | Shell             |
| Keith              | Skiles            |
| Kennedy            | Smith of Frio     |
| Kern               | Smith of Hopkins. |
| Kerr               | Smith             |
| Kersey             | of Matagorda      |
| Kinard             | Spencer           |
| King               | Stinson           |
| Langdon            | Stoll             |
| Lehman             | Talbert           |
| Leonard            | Tarwater          |
| Leyendecker        | Taylor            |
| Little             | Tennant           |
| Lock               | Thornberry        |
| Mays               | Thornton          |
| McAlister          | Turner            |
| McDaniel           | Vale              |
| McDonald           | Vint              |
| McFarland          | Waggoner          |
| McMurry            | Weldon            |
| McNamara           | Wells             |
| Mohrmann           | Westbrook         |
| Monkhouse          | White             |
| Montgomery         | Wilson            |
| Morris             | Worley            |
| Newell             | Wright            |
| Pace               |                   |

Nays—1

Wood

Absent

|                    |           |
|--------------------|-----------|
| Celaya             | Hartzog   |
| Crossley           | Loggins   |
| Daniel             | London    |
| Davis of Upshur    | Nicholson |
| Dean               | Oliver    |
| Derden             | Ragsdale  |
| Dwyer              | Segrist   |
| Hardeman           | Voigt     |
| Harrell of Bastrop | Winfree   |

Absent—Excused

Anderson

Reader of Bexar

The Speaker then laid before the House, on its second reading, and passage to third reading,

S. B. No. 261, A bill to be entitled "An Act making it unlawful to kill

quail in Gaines, Terry and Yoakum Counties, Texas, for a period of five years, etc., and declaring an emergency."

The bill was read second time, and was passed to third reading.

# SENATE BILL NO. 261 ON THIRD READING

Mr. Allison moved that the constitutional rule, requiring bills to be read on three several days, be suspended, and that Senate Bill No. 261 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—128

|                   |                    |
|-------------------|--------------------|
| Allen             | Galbreath          |
| Allison           | Gilmer             |
| Alsup             | Goodman            |
| Bailey            | Gordon, Mrs.       |
| Baker             | Hale               |
| of Fort Bend      | Hamilton           |
| Baker of Grayson  | Hankamer           |
| Bell              | Hardin             |
| Blankenship       | Harp               |
| Boethel           | Harper             |
| Bond              | Harrell of Lamar   |
| Boyd              | Harris             |
| Boyer             | Heflin             |
| Bradbury          | Holland            |
| Bradford          | Howard             |
| Bray              | Howington          |
| Bridgers          | Hull               |
| Broadfoot         | Hunt               |
| Brown of Cherokee | Isaacks            |
| Brown             | Johnson of Ellis   |
| of Nacogdoches    | Johnson of Tarrant |
| Bundy             | Keith              |
| Burkett           | Kennedy            |
| Burney            | Kern               |
| Cauthorn          | Kerr               |
| Chambers          | Kersey             |
| Clark             | Kinard             |
| Cleveland         | King               |
| Cockrell          | Langdon            |
| Coleman           | Lehman             |
| Colquitt          | Leonard            |
| Colson, Mrs.      | Leyendecker        |
| Cornett           | Little             |
| Corry             | Lock               |
| Davis of Jasper   | Mays               |
| Dickison          | McAlister          |
| Dickson           | McDaniel           |
| Donaghey          | McDonald           |
| Dowell            | McFarland          |
| Faulkner          | McMurry            |
| Felty             | McNamara           |
| Ferguson          | Mohrmann           |
| Fielden           | Monkhouse          |
| Fuchs             | Montgomery         |

|                  |              |
|------------------|--------------|
| Morris           | Smith        |
| Newell           | of Matagorda |
| Pace             | Spencer      |
| Petsch           | Stinson      |
| Pevehouse        | Stoll        |
| Piner            | Talbert      |
| Pope             | Tarwater     |
| Reader of Erath  | Taylor       |
| Reaves           | Tennant      |
| Reed             | Thornberry   |
| Rhodes           | Thornton     |
| Riviere          | Turner       |
| Roach            | Vale         |
| Roberts          | Vint         |
| Robinson         | Waggoner     |
| Russell          | Weldon       |
| Schuenemann      | Wells        |
| Shell            | Westbrook    |
| Skiles           | White        |
| Smith of Frio    | Wilson       |
| Smith of Hopkins | Worley       |
|                  | Wright       |

Nays—1

Wood

Absent

|                    |           |
|--------------------|-----------|
| Celaya             | Loggins   |
| Crossley           | London    |
| Daniel             | Nicholson |
| Davis of Upshur    | Oliver    |
| Dean               | Ragsdale  |
| Derden             | Segrist   |
| Hardeman           | Voigt     |
| Harrell of Bastrop | Winfree   |
| Hartzog            |           |

Absent—Excused

|          |                 |
|----------|-----------------|
| Anderson | Reader of Bexar |
| Dwyer    |                 |

The Speaker then laid Senate Bill No. 261 before the House on third reading and final passage.

The bill was read third time, and was passed by the following vote:

Yeas—128

|                  |                   |
|------------------|-------------------|
| Allen            | Bray              |
| Allison          | Bridgers          |
| Alsup            | Broadfoot         |
| Bailey           | Brown of Cherokee |
| Baker            | Brown             |
| of Fort Bend     | of Nacogdoches    |
| Baker of Grayson | Bundy             |
| Bell             | Burkett           |
| Blankenship      | Burney            |
| Boethel          | Cauthorn          |
| Bond             | Chambers          |
| Boyd             | Clark             |
| Boyer            | Cleveland         |
| Bradbury         | Cockrell          |
| Bradford         | Coleman           |

|                    |                  |
|--------------------|------------------|
| Colquitt           | McDonald         |
| Colson, Mrs.       | McFarland        |
| Cornett            | McMurry          |
| Corry              | McNamara         |
| Davis of Jasper    | Mohrmann         |
| Dickison           | Monkhouse        |
| Dickson            | Montgomery       |
| Donaghey           | Morris           |
| Dowell             | Newell           |
| Faulkner           | Pace             |
| Felty              | Petsch           |
| Ferguson           | Pevehouse        |
| Fielden            | Piner            |
| Fuchs              | Pope             |
| Galbreath          | Reader of Erath  |
| Gilmer             | Reaves           |
| Goodman            | Reed             |
| Gordon, Mrs.       | Rhodes           |
| Hale               | Riviere          |
| Hamilton           | Roach            |
| Hankamer           | Roberts          |
| Haridn             | Robinson         |
| Harp               | Russell          |
| Harper             | Schuenemann      |
| Harrell of Lamar   | Shell            |
| Harris             | Skiles           |
| Heflin             | Smith of Frio    |
| Holland            | Smith of Hopkins |
| Howard             | Smith            |
| Howington          | of Matagorda     |
| Hull               | Spencer          |
| Hunt               | Stinson          |
| Isaacks            | Stoll            |
| Johnson of Ellis   | Talbert          |
| Johnson of Tarrant | Tarwater         |
| Keith              | Taylor           |
| Kennedy            | Tennant          |
| Kern               | Thornberry       |
| Kerr               | Thornton         |
| Kersey             | Turner           |
| Kinard             | Vale             |
| King               | Vint             |
| Langdon            | Waggoner         |
| Lehman             | Weldon           |
| Leonard            | Wells            |
| Leyendecker        | Westbrook        |
| Little             | White            |
| Lock               | Wilson           |
| Mays               | Worley           |
| McAlister          | Wright           |
| McDaniel           |                  |

Nays—1

Wood

Absent

|                 |                    |
|-----------------|--------------------|
| Celaya          | Hardeman           |
| Crossley        | Harrell of Bastrop |
| Daniel          | Hartzog            |
| Davis of Upshur | Loggins            |
| Dean            | London             |
| Derden          | Nicholson          |
| Dwyer           | Oliver             |

|          |
|----------|
| Ragsdale |
| Segrist  |

|         |
|---------|
| Voigt   |
| Winfree |

Absent—Excused

Anderson

Reader of Bexar

## HOUSE BILL NO. 1139 ON SECOND READING

Mr. Harp moved that the necessary rules be suspended for the purpose of taking up, and considering, at this time, House Bill No. 1139.

The motion prevailed by the following vote:

Yeas—128

|                   |                    |
|-------------------|--------------------|
| Allen             | Gordon, Mrs.       |
| Allison           | Hale               |
| Alsup             | Hamilton           |
| Bailey            | Hankamer           |
| Baker             | Hardin             |
| of Fort Bend      | Harp               |
| Baker of Grayson  | Harper             |
| Bell              | Harrell of Lamar   |
| Blankenship       | Harris             |
| Boethel           | Heflin             |
| Bond              | Holland            |
| Boyd              | Howard             |
| Boyer             | Howington          |
| Bradbury          | Hull               |
| Bradford          | Hunt               |
| Bray              | Isaacks            |
| Bridgers          | Johnson of Ellis   |
| Broadfoot         | Johnson of Tarrant |
| Brown of Cherokee | Keith              |
| Brown             | Kennedy            |
| of Nacogdoches    | Kern               |
| Bundy             | Kerr               |
| Burkett           | Kersey             |
| Burney            | Kinard             |
| Cauthorn          | King               |
| Chambers          | Langdon            |
| Clark             | Lehman             |
| Cleveland         | Leonard            |
| Cockrell          | Leyendecker        |
| Coleman           | Little             |
| Colquitt          | Lock               |
| Colosn, Mrs.      | Mays               |
| Cornett           | McAlister          |
| Corry             | McDaniel           |
| Davis of Jasper   | McDonald           |
| Dickison          | McFarland          |
| Dickson           | McMurry            |
| Donaghey          | McNamara           |
| Dowell            | Mohrmann           |
| Faulkner          | Monkhouse          |
| Felty             | Montgomery         |
| Ferguson          | Morris             |
| Fielden           | Newell             |
| Fuchs             | Pace               |
| Galbreath         | Petsch             |
| Gilmer            | Pevehouse          |
| Goodman           | Piner              |

|                  |            |
|------------------|------------|
| Pope             | Stoll      |
| Reader of Erath  | Talbert    |
| Reaves           | Tarwater   |
| Reed             | Taylor     |
| Rhodes           | Tennant    |
| Riviere          | Thornberry |
| Roach            | Thornton   |
| Roberts          | Turner     |
| Robinson         | Vale       |
| Russell          | Vint       |
| Schuenemann      | Waggoner   |
| Shell            | Weldon     |
| Skiles           | Wells      |
| Smith of Frio    | Westbrook  |
| Smith of Hopkins | White      |
| Smith            | Wilson     |
| of Matagorda     | Worley     |
| Spencer          | Wright     |
| Stinson          |            |

## Nays—1

Wood

## Absent

|                    |           |
|--------------------|-----------|
| Celaya             | Hartzog   |
| Crossley           | Loggins   |
| Daniel             | London    |
| Davis of Upshur    | Nicholson |
| Dean               | Oliver    |
| Derden             | Ragsdale  |
| Dwyer              | Segrist   |
| Hardeman           | Voigt     |
| Harrell of Bastrop | Winfree   |

## Absent—Excused

Anderson      Reader of Bexar

The Speaker then laid before the House, on its second reading, and passage to engrossment,

H. B. No. 1139, A bill to be entitled "An Act to authorize the Commissioners' Court of Childress County to make a land grant to the State Park Board of the State of Texas for the purpose of creating a State park, and declaring an emergency."

The bill was read second time, and was passed to engrossment.

## HOUSE BILL NO. 1139 ON THIRD READING

Mr. Harp moved that the constitutional rule, requiring bills to be read on three several days, be suspended, and that House Bill No. 1139 be placed on its third reading and final passage.

The motion prevailed by the following vote:

## Yeas—128

|                   |                    |
|-------------------|--------------------|
| Allen             | Isaacks            |
| Allison           | Johnson of Ellis   |
| Alsup             | Johnson of Tarrant |
| Bailey            | Keith              |
| Baker             | Kennedy            |
| of Fort Bend      | Kern               |
| Baker of Grayson  | Kerr               |
| Bell              | Kersey             |
| Blankenship       | Kinard             |
| Boethel           | King               |
| Bond              | Langdon            |
| Boyd              | Lehman             |
| Boyer             | Leonard            |
| Bradbury          | Leyendecker        |
| Bradford          | Little             |
| Bray              | Lock               |
| Bridgers          | Mays               |
| Broadfoot         | McAlister          |
| Brown of Cherokee | McDaniel           |
| Brown             | McDonald           |
| of Nacogdoches    | McFarland          |
| Bundy             | McMurry            |
| Burkett           | McNamara           |
| Burney            | Mohrmann           |
| Cauthorn          | Monkhouse          |
| Chambers          | Montgomery         |
| Clark             | Morris             |
| Cleveland         | Newell             |
| Cockrell          | Pace               |
| Coleman           | Petsch             |
| Colquitt          | Pevehouse          |
| Colson, Mrs.      | Piner              |
| Cornett           | Pope               |
| Corry             | Reader of Erath    |
| Davis of Jasper   | Reaves             |
| Dickison          | Reed               |
| Dickson           | Rhodes             |
| Donaghey          | Riviere            |
| Dowell            | Roach              |
| Faulkner          | Roberts            |
| Felty             | Robinson           |
| Ferguson          | Russell            |
| Fielden           | Schuenemann        |
| Fuchs             | Shell              |
| Galbreath         | Skiles             |
| Gilmer            | Smith of Frio      |
| Goodman           | Smith of Hopkins   |
| Gordon, Mrs.      | Smith              |
| Hale              | of Matagorda       |
| Hamilton          | Spencer            |
| Hankamer          | Stinson            |
| Hardin            | Stoll              |
| Harp              | Talbert            |
| Harper            | Tarwater           |
| Harrell of Lamar  | Taylor             |
| Harris            | Tennant            |
| Heflin            | Thornberry         |
| Holland           | Thornton           |
| Howard            | Turner             |
| Howington         | Vale               |
| Hull              | Vint               |
| Hunt              | Waggoner           |

Weldon  
Wells  
Westbrook  
White

Wilson  
Worley  
Wright

Nays—1

Wood

Absent

|                    |           |
|--------------------|-----------|
| Celaya             | Hartzog   |
| Crossley           | Loggins   |
| Daniel             | London    |
| Davis of Upshur    | Nicholson |
| Dean               | Oliver    |
| Derden             | Ragsdale  |
| Dwyer              | Segrist   |
| Hardeman           | Voigt     |
| Harrell of Bastrop | Winfree   |

Absent—Excused

Anderson                      Reader of Bexar

The Speaker then laid House Bill No. 1139 before the House on third reading and final passage.

The bill was read third time, and was passed by the following vote:

Yeas—128

|                   |                    |
|-------------------|--------------------|
| Allen             | Davis of Jasper    |
| Allison           | Dickson            |
| Alsup             | Dickson            |
| Bailey            | Donaghey           |
| Baker             | Dowell             |
| of Fort Bend      | Faulkner           |
| Baker of Grayson  | Felty              |
| Bell              | Ferguson           |
| Blankenship       | Fielden            |
| Boethel           | Fuchs              |
| Bond              | Galbreath          |
| Boyd              | Gilmer             |
| Boyer             | Goodman            |
| Bradbury          | Gordon, Mrs.       |
| Bradford          | Hale               |
| Bray              | Hamilton           |
| Bridgers          | Hankamer           |
| Broadfoot         | Hardin             |
| Brown of Cherokee | Harp               |
| Brown             | Harper             |
| of Nacogdoches    | Harrell of Lamar   |
| Bundy             | Harris             |
| Burkett           | Heflin             |
| Burney            | Holland            |
| Cauthorn          | Howard             |
| Chambers          | Howington          |
| Clark             | Hull               |
| Cleveland         | Hunt               |
| Cockrell          | Isaacks            |
| Coleman           | Johnson of Ellis   |
| Colquitt          | Johnson of Tarrant |
| Colson, Mrs.      | Keith              |
| Cornett           | Kennedy            |
| Corry             | Kern               |

Kerr  
Kersey  
Kinard  
King  
Langdon  
Lehman  
Leonard  
Leyendecker  
Little  
Lock  
Mays  
McAlister  
McDaniel  
McDonald  
McFarland  
McMurry  
McNamara  
Mohrmann  
Monkhouse  
Montgomery  
Morris  
Newell  
Pace  
Petsch  
Pevehouse  
Piner  
Pope  
Reader of Erath  
Reaves  
Reed  
Rhodes  
Riviere

Roach  
Roberts  
Robinson  
Russell  
Schuenemann  
Shell  
Skiles  
Smith of Frio  
Smith of Hopkins  
Smith  
of Matagorda  
Spencer  
Stinson  
Stoll  
Talbert  
Tarwater  
Taylor  
Tennant  
Thornberry  
Thornton  
Turner  
Vale  
Vint  
Waggoner  
Weldon  
Wells  
Westbrook  
White  
Wilson  
Worley  
Wright

Nays—1

Wood

Absent

|                    |           |
|--------------------|-----------|
| Celaya             | Hartzog   |
| Crossley           | Loggins   |
| Daniel             | London    |
| Davis of Upshur    | Nicholson |
| Dean               | Oliver    |
| Derden             | Ragsdale  |
| Dwyer              | Segrist   |
| Hardeman           | Voigt     |
| Harrell of Bastrop | Winfree   |

Absent—Excused

Anderson                      Reader of Bexar

# HOUSE BILL NO. 1096 ON SECOND READING

Mr Bray moved that the necessary rules be suspended for the purpose of taking up, and considering, at this time, House Bill No. 1096.

The motion prevailed by the following vote:

Yeas—128

|         |        |
|---------|--------|
| Allen   | Alsup  |
| Allison | Bailey |

|                    |                  |
|--------------------|------------------|
| Baker              | Kennedy          |
| of Fort Bend       | Kern             |
| Baker of Grayson   | Kerr             |
| Bell               | Kersey           |
| Blankenship        | Kinard           |
| Boethel            | King             |
| Bond               | Langdon          |
| Boyd               | Lehman           |
| Boyer              | Leonard          |
| Bradbury           | Leyendecker      |
| Bradford           | Little           |
| Bray               | Lock             |
| Bridgers           | Mays             |
| Broadfoot          | McAlister        |
| Brown of Cherokee  | McDaniel         |
| Brown              | McDonald         |
| of Nacogdoches     | McFarland        |
| Bundy              | McMurry          |
| Burkett            | McNamara         |
| Burney             | Mohrmann         |
| Cauthorn           | Monkhouse        |
| Chambers           | Montgomery       |
| Clark              | Morris           |
| Cleveland          | Newell           |
| Cockrell           | Pace             |
| Coleman            | Petsch           |
| Colquitt           | Pevehouse        |
| Colson, Mrs.       | Piner            |
| Cornett            | Pope             |
| Corry              | Reader of Erath  |
| Davis of Jasper    | Reaves           |
| Dickison           | Reed             |
| Dickson            | Rhodes           |
| Donaghey           | Roberts          |
| Dowell             | Riviere          |
| Faulkner           | Roach            |
| Felty              | Robinson         |
| Ferguson           | Russell          |
| Fielden            | Schuenemann      |
| Fuchs              | Shell            |
| Galbreath          | Skiles           |
| Gilmer             | Smith of Frio    |
| Goodman            | Smith of Hopkins |
| Gordon, Mrs.       | Smith            |
| Hale               | of Matagorda     |
| Hamilton           | Spencer          |
| Hankamer           | Stinson          |
| Hardin             | Stoll            |
| Harp               | Talbert          |
| Harper             | Tarwater         |
| Harrell of Lamar   | Taylor           |
| Harris             | Tennant          |
| Heflin             | Thornberry       |
| Holland            | Thornton         |
| Howard             | Turner           |
| Howington          | Vale             |
| Hull               | Vint             |
| Hunt               | Waggoner         |
| Isaacks            | Weldon           |
| Johnson of Ellis   | Wells            |
| Johnson of Tarrant | Westbrook        |
| Keith              | White            |

|                    |           |
|--------------------|-----------|
| Wilson             | Wright    |
| Worley             |           |
|                    | Nays—1    |
| Wood               | Absent    |
| Celaya             | Hartzog   |
| Crossley           | Loggins   |
| Daniel             | London    |
| Davis of Upshur    | Nicholson |
| Dean               | Oliver    |
| Derden             | Ragsdale  |
| Dwyer              | Segrist   |
| Hardeman           | Voigt     |
| Harrell of Bastrop | Winfree   |

Absent—Excused

Anderson Reader of Bexar

The Speaker then laid before the House, on its second reading, and passage to engrossment,

H. B. No. 1096, A bill to be entitled "An Act to create the appointive office of Assistant to the County Judge and to provide an equitable and sufficient salary thereto, repealing all laws in conflict, and declaring an emergency."

The bill was read second time, and was passed to engrossment.

## HOUSE BILL NO. 1096 ON THIRD READING

Mr. Bray moved that the constitutional rule, requiring bills to be read on three several days, be suspended, and that House Bill No. 1096 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—128

|                   |                 |
|-------------------|-----------------|
| Allen             | Brown           |
| Allison           | of Nacogdoches  |
| Alsup             | Bundy           |
| Bailey            | Burkett         |
| Baker             | Burney          |
| of Fort Bend      | Cauthorn        |
| Baker of Grayson  | Chambers        |
| Bell              | Clark           |
| Blankenship       | Cleveland       |
| Boethel           | Cockrell        |
| Bond              | Coleman         |
| Boyd              | Colquitt        |
| Boyer             | Colson, Mrs.    |
| Bradbury          | Cornett         |
| Bradford          | Corry           |
| Bray              | Davis of Jasper |
| Bridgers          | Dickison        |
| Broadfoot         | Dickson         |
| Brown of Cherokee | Donaghey        |

|                    |                  |
|--------------------|------------------|
| Dowell             | Mohrmann         |
| Faulkner           | Monkhouse        |
| Felty              | Montgomery       |
| Ferguson           | Morris           |
| Fielden            | Newell           |
| Fuchs              | Pace             |
| Galbreath          | Petsch           |
| Gilmer             | Pevehouse        |
| Goodman            | Piner            |
| Gordon, Mrs.       | Pope             |
| Hale               | Reader of Erath  |
| Hamilton           | Reaves           |
| Hankamer           | Reed             |
| Hardin             | Rhodes           |
| Harp               | Riviere          |
| Harper             | Roach            |
| Harrell of Lamar   | Roberts          |
| Harris             | Robinson         |
| Heflin             | Russell          |
| Holland            | Schuenemann      |
| Howard             | Shell            |
| Howington          | Skiles           |
| Hull               | Smith of Frio    |
| Hunt               | Smith of Hopkins |
| Isaacks            | Smith            |
| Johnson of Ellis   | of Matagorda     |
| Johnson of Tarrant | Spencer          |
| Keith              | Stinson          |
| Kennedy            | Stoll            |
| Kern               | Talbert          |
| Kerr               | Tarwater         |
| Kersey             | Taylor           |
| Kinard             | Tennant          |
| King               | Thornberry       |
| Langdon            | Thornton         |
| Lehman             | Turner           |
| Leonard            | Vale             |
| Leyendecker        | Vint             |
| Little             | Waggoner         |
| Lock               | Weldon           |
| Mays               | Wells            |
| McAlister          | Westbrook        |
| McDaniel           | White            |
| McDonald           | Wilson           |
| McFarland          | Worley           |
| McMurry            | Wright           |
| McNamara           |                  |

## Nays—1

Wood

## Absent

|                    |           |
|--------------------|-----------|
| Celaya             | Hartzog   |
| Crossley           | Loggins   |
| Daniel             | London    |
| Davis of Upshur    | Nicholson |
| Dean               | Oliver    |
| Derden             | Ragsdale  |
| Dwyer              | Segrist   |
| Hardeman           | Voigt     |
| Harrell of Bastrop | Winfree   |

## Absent—Excused

|          |                 |
|----------|-----------------|
| Anderson | Reader of Bexar |
|----------|-----------------|

The Speaker then laid House Bill No. 1096 before the House on third reading and final passage.

The bill was read third time, and was passed by the following vote:

## Yeas—128

|                   |                    |
|-------------------|--------------------|
| Allen             | Heflin             |
| Allison           | Holland            |
| Alsup             | Howard             |
| Bailey            | Howington          |
| Baker             | Hull               |
| of Fort Bend      | Hunt               |
| Baker of Grayson  | Isaacks            |
| Bell              | Johnson of Ellis   |
| Blankenship       | Johnson of Tarrant |
| Boethel           | Keith              |
| Bond              | Kennedy            |
| Boyd              | Kern               |
| Boyer             | Kerr               |
| Bradbury          | Kersey             |
| Bradford          | Kinard             |
| Bray              | King               |
| Bridgers          | Langdon            |
| Broadfoot         | Lehman             |
| Brown of Cherokee | Leonard            |
| Brown             | Leyendecker        |
| of Nacogdoches    | Little             |
| Bundy             | Lock               |
| Burkett           | Mays               |
| Burney            | McAlister          |
| Cauthorn          | McDaniel           |
| Chambers          | McDonald           |
| Clark             | McFarland          |
| Cleveland         | McMurry            |
| Cockrell          | McNamara           |
| Coleman           | Mohrmann           |
| Colquitt          | Monkhouse          |
| Colson, Mrs.      | Montgomery         |
| Cornett           | Morris             |
| Corry             | Newell             |
| Davis of Jasper   | Pace               |
| Dickison          | Petsch             |
| Dickson           | Pevehouse          |
| Donaghey          | Piner              |
| Dowell            | Pope               |
| Faulkner          | Reader of Erath    |
| Felty             | Reaves             |
| Ferguson          | Reed               |
| Fielden           | Rhodes             |
| Fuchs             | Riviere            |
| Galbreath         | Roach              |
| Gilmer            | Roberts            |
| Goodman           | Robinson           |
| Gordon, Mrs.      | Russell            |
| Hale              | Schuenemann        |
| Hamilton          | Shell              |
| Hankamer          | Skiles             |
| Hardin            | Smith of Frio      |
| Harp              | Smith of Hopkins   |
| Harper            | Smith              |
| Harrell of Lamar  | of Matagorda       |
| Harris            | Spencer            |



|            |           |
|------------|-----------|
| Stinson    | Vint      |
| Stoll      | Waggoner  |
| Talbert    | Weldon    |
| Tarwater   | Wells     |
| Taylor     | Westbrook |
| Tennant    | White     |
| Thornberry | Wilson    |
| Thornton   | Worley    |
| Turner     | Wright    |
| Vale       |           |

Nays—1

Wood

Absent

|                    |           |
|--------------------|-----------|
| Celaya             | Hartzog   |
| Crossley           | Loggins   |
| Daniel             | London    |
| Davis of Upshur    | Nicholson |
| Dean               | Oliver    |
| Derden             | Ragsdale  |
| Dwyer              | Segrist   |
| Hardeman           | Voigt     |
| Harrell of Bastrop | Winfree   |

Absent—Excused

Anderson      Reader of Bexar

## HOUSE BILL NO. 1141 ON SECOND READING

Mr. Smith of Frio moved that the necessary rules be suspended for the purpose of taking up, and considering, at this time, House Bill No. 1141.

The motion prevailed by the following vote:

Yeas—128

|                   |                 |
|-------------------|-----------------|
| Allen             | Cauthorn        |
| Allison           | Chambers        |
| Alsup             | Clark           |
| Bailey            | Cleveland       |
| Baker             | Cockrell        |
| of Fort Bend      | Coleman         |
| Baker of Grayson  | Colquitt        |
| Bell              | Colson, Mrs.    |
| Blankenship       | Corbett         |
| Boethel           | Corry           |
| Bond              | Davis of Jasper |
| Boyd              | Dickson         |
| Boyer             | Dickson         |
| Bradbury          | Donaghey        |
| Bradford          | Dowell          |
| Bray              | Faulkner        |
| Bridgers          | Felty           |
| Broadfoot         | Ferguson        |
| Brown of Cherokee | Fielden         |
| Brown             | Fuchs           |
| of Nacogdoches    | Galbreath       |
| Bundy             | Gilmer          |
| Burkett           | Goodman         |
| Burney            | Gordon, Mrs.    |

|                    |                  |
|--------------------|------------------|
| Hale               | Pace             |
| Hamilton           | Petsch           |
| Hankamer           | Pevehouse        |
| Hardin             | Piner            |
| Harp               | Pope             |
| Harper             | Reader of Erath  |
| Harrell of Lamar   | Reaves           |
| Harris             | Reed             |
| Heflin             | Rhodes           |
| Holland            | Riviere          |
| Howard             | Roach            |
| Howington          | Roberts          |
| Hull               | Robinson         |
| Hunt               | Russell          |
| Isaacks            | Schuenemann      |
| Jonhson of Ellis   | Shell            |
| Johnson of Tarrant | Skiles           |
| Keith              | Smith of Frio    |
| Kennedy            | Smith of Hopkins |
| Kern               | Smith            |
| Kerr               | of Matagorda     |
| Kersey             | Spenser          |
| Kinard             | Stinson          |
| King               | Stoll            |
| Langdon            | Talbert          |
| Lehman             | Tarwater         |
| Leonard            | Taylor           |
| Leyendecker        | Tennant          |
| Little             | Thornberry       |
| Lock               | Thornton         |
| Mays               | Turner           |
| McAlister          | Vale             |
| McDaniel           | Vint             |
| McDonald           | Waggoner         |
| McFarland          | Weldon           |
| McMurry            | Wells            |
| McNamara           | Westbrook        |
| Mohrmann           | White            |
| Monkhouse          | Wilson           |
| Montgomery         | Worley           |
| Morris             | Wright           |
| Newell             |                  |

Nays—1

Wood

Absent

|                    |           |
|--------------------|-----------|
| Celaya             | Hartzog   |
| Crossley           | Loggins   |
| Daniel             | London    |
| Davis of Upshur    | Nicholson |
| Dean               | Oliver    |
| Derden             | Ragsdale  |
| Dwyer              | Segrist   |
| Hardeman           | Voigt     |
| Harrell of Bastrop | Winfree   |

Absent—Excused

Anderson      Reader of Bexar

The Speaker then laid before the House, on its second reading, and passage to engrossment,

H. B. No. 1141, A bill to be entitled "An Act creating a special road law for Frio County, Texas, providing that said County may fund or refund the indebtedness outstanding against its Road and Bridge Fund as of June 12th, 1939, setting forth the method of operation; validating the indebtedness proposed to be funded or refunded; providing this law shall be cumulative of General Laws on the subject of roads and bridges and General Laws on funding or refunding bonds, not in conflict herewith; enacting provisions incident and relating to the subject and purpose of this Act; repealing all laws in conflict, and declaring an emergency."

The bill was read second time, and was passed to engrossment.

#### HOUSE BILL NO. 1141 ON THIRD READING

Mr. Smith of Frio moved that the constitutional rule, requiring bills to be read on three several days, be suspended, and that House Bill No. 1141 be placed on its third reading and final passage.

The motion prevailed by the following vote:

#### Yeas—128

|                   |                  |
|-------------------|------------------|
| Allen             | Colquitt         |
| Allison           | Colson, Mrs.     |
| Alsup             | Cornett          |
| Bailey            | Corry            |
| Baker             | Davis of Jasper  |
| of Fort Bend      | Dickison         |
| Baker of Grayson  | Dickson          |
| Bell              | Donaghey         |
| Blankenship       | Dowell           |
| Boethel           | Faulkner         |
| Bond              | Felty            |
| Boyd              | Ferguson         |
| Boyer             | Fielden          |
| Bradbury          | Fuchs            |
| Bradford          | Galbreath        |
| Bray              | Gilmer           |
| Bridgers          | Goodman          |
| Broadfoot         | Gordon, Mrs.     |
| Brown of Cherokee | Hale             |
| Brown             | Hamilton         |
| of Nacogdoches    | Hankamer         |
| Bundy             | Hardin           |
| Burkett           | Harp             |
| Burney            | Harper           |
| Cauthorn          | Harrell of Lamar |
| Chambers          | Harris           |
| Clark             | Heflin           |
| Cleveland         | Holland          |
| Cockrell          | Howard           |
| Coleman           | Howington        |

|                    |                  |
|--------------------|------------------|
| Hull               | Reaves           |
| Hunt               | Reed             |
| Isaacks            | Rhodes           |
| Johnson of Ellis   | Riviere          |
| Johnson of Tarrant | Roach            |
| Keith              | Roberts          |
| Kennedy            | Robinson         |
| Kern               | Russell          |
| Kerr               | Schuenemann      |
| Kersey             | Shell            |
| Kinard             | Skiles           |
| King               | Smith of Frio    |
| Langdon            | Smith of Hopkins |
| Lehman             | Smith            |
| Leonard            | of Matagorda     |
| Leyendecker        | Spencer          |
| Little             | Stinson          |
| Lock               | Stoll            |
| Mays               | Talbert          |
| McAlister          | Tarwater         |
| McDaniel           | Taylor           |
| McDonald           | Tennant          |
| McFarland          | Thornberry       |
| McMurry            | Thornton         |
| McNamara           | Turner           |
| Mohrmann           | Vale             |
| Monkhouse          | Vint             |
| Montgomery         | Waggoner         |
| Morris             | Weldon           |
| Newell             | Wells            |
| Pace               | Westbrook        |
| Petsch             | White            |
| Pevehouse          | Wilson           |
| Piner              | Worley           |
| Pope               | Wright           |
| Reader of Erath    |                  |

#### Nays—1

Wood

#### Absent

|                    |           |
|--------------------|-----------|
| Celaya             | Hartzog   |
| Crossley           | Loggins   |
| Daniel             | London    |
| Davis of Upshur    | Nicholson |
| Dean               | Oliver    |
| Derden             | Ragsdale  |
| Dwyer              | Segrist   |
| Hardeman           | Voigt     |
| Harrell of Bastrop | Winfree   |

#### Absent—Excused

Anderson                      Reader of Bexar

The Speaker then laid House Bill No. 1141 before the House on third reading and final passage.

The bill was read third time, and was passed by the following vote:

#### Yeas—128

|         |        |
|---------|--------|
| Allen   | Alsup  |
| Allison | Bailey |

|                    |                  |
|--------------------|------------------|
| Baker              | Kennedy          |
| of Fort Bend       | Kern             |
| Baker of Grayson   | Kerr             |
| Bell               | Kersey           |
| Blankenship        | Kinard           |
| Boethel            | King             |
| Bond               | Langdon          |
| Boyd               | Lehman           |
| Boyer              | Leonard          |
| Bradbury           | Leyendecker      |
| Bradford           | Little           |
| Bray               | Lock             |
| Bridgers           | Mays             |
| Broadfoot          | McAlister        |
| Brown of Cherokee  | McDaniel         |
| Brown              | McDonald         |
| of Nacogdoches     | McFarland        |
| Bundy              | McMurry          |
| Burkett            | McNamara         |
| Burney             | Mohrmann         |
| Cauthorn           | Monkhouse        |
| Chambers           | Montgomery       |
| Clark              | Morris           |
| Cleveland          | Newell           |
| Cockrell           | Pace             |
| Coleman            | Petsch           |
| Colquitt           | Pevehouse        |
| Colson, Mrs.       | Piner            |
| Cornett            | Pope             |
| Corry              | Reader of Erath  |
| Davis of Jasper    | Reaves           |
| Dickison           | Reed             |
| Dickson            | Rhodes           |
| Donaghey           | Riviere          |
| Dowell             | Roach            |
| Faulkner           | Roberts          |
| Felty              | Robinson         |
| Ferguson           | Russell          |
| Fielden            | Schuenemann      |
| Fuchs              | Shell            |
| Galbreath          | Skiles           |
| Gilmer             | Smith of Frio    |
| Goodman            | Smith of Hopkins |
| Gordon, Mrs.       | Smith            |
| Hale               | of Matagorda     |
| Hamilton           | Spencer          |
| Hankamer           | Stinson          |
| Hardin             | Stoll            |
| Harp               | Talbert          |
| Harper             | Tarwater         |
| Harrell of Lamar   | Taylor           |
| Harris             | Tennant          |
| Heflin             | Thornberry       |
| Holland            | Thornton         |
| Howard             | Turner           |
| Howington          | Vale             |
| Hull               | Vint             |
| Hunt               | Waggoner         |
| Isaacks            | Weldon           |
| Johnson of Ellis   | Wells            |
| Johnson of Tarrant | Westbrook        |
| Keith              | White            |

|                    |           |
|--------------------|-----------|
| Wilson             | Wright    |
| Worley             |           |
|                    | Nays—1    |
| Wood               |           |
|                    | Absent    |
| Celaya             | Hartzog   |
| Crossley           | Loggins   |
| Daniel             | London    |
| Davis of Upshur    | Nicholson |
| Dean               | Oliver    |
| Derden             | Ragsdale  |
| Dwyer              | Segrist   |
| Hardeman           | Voigt     |
| Harrell of Bastrop | Winfree   |

Absent—Excused

Anderson      Reader of Bexar

### BILLS AND RESOLUTIONS SIGNED BY THE SPEAKER

The Speaker signed, in the presence of the House, after giving due notice thereof, and their captions had been read severally, the following enrolled bills and resolutions:

S. B. No. 320, "An Act making an appropriation out of moneys in the State Treasury not otherwise appropriated for the Nueces River Conservation and Reclamation District, for each of the fiscal years ending August 31, 1940, and August 31, 1941, to aid said District in making the necessary surveys and preparing the necessary plans for its construction program, and declaring an emergency."

S. B. No. 373, "An Act providing for the sale of public lands along the eastern boundary of the State of Texas, and the western boundary of the State of Oklahoma, etc., and declaring an emergency."

S. B. No. 477, "An Act to amend Section 3 of House Bill No. 74, passed at this, the Regular Session of the Forty-sixth Legislature, so as to prescribe rules and regulations by which it may be established who are now licensed to practice law within this State within the meaning of said Section; and limiting the power of the District Judge and the Supreme Court, and declaring an emergency."

H. B. No. 231, "An Act to protect trade-mark owners, distributors and the general public against injurious and uneconomic practices in the distribution of articles of standard quality under a distinguished trade-mark, brand, or name, and to facilitate fair

trade; defining certain terms; providing a saving clause, and declaring an emergency."

H. B. No. 1108, "An Act providing that taxes levied by other entities under and by virtue of Article 3, Section 52, of the Constitution shall never be reckoned in determining the power of any city or town to levy taxes; providing that in the event of conflict between this Act and any provisions of a city charter or of a special law constituting a charter of a city the provisions of this Act shall prevail, and declaring an emergency."

S. B. No. 33, "An Act to require all purchasers of trees and timber, or either of them, in the form of logs, staves, shingles, pulp wood, or any of them to obtain a bill of sale therefor from the seller, providing what shall be contained in such bill of sale; providing penalties for violation of this Act, and declaring an emergency."

S. B. No. 285, "An Act to amend Section 1 of Chapter 210, House Bill No. 253, Acts of the Regular Session of the Forty-first Legislature, 1929; as amended by Section 1, Chapter 142, House Bill No. 4, Acts of the Regular Session of the Forty-fourth Legislature, 1935; as amended by Section 1, Chapter 167, House Bill No. 87, Acts of the Regular Session of the Forty-fifth Legislature, 1937; empowering the State Board of Education to adopt by a vote of six (6) of its members a multiple list of textbooks in German, Czech, and French languages, for use in public high schools; etc., and declaring an emergency."

S. B. No. 465, "An Act authorizing the Board of Directors of Texas Technological College at Lubbock, Texas, to select and lease a tract of land upon the campus of said college to the Texas National Guard Armory Board for purpose of erecting thereon an armory and other buildings to be used by Texas National Guard under provisions of Senate Bill No. 326; etc., and declaring an emergency."

H. C. R. No. 194, Expressing legislative intent in regard to Senate Bill No. 89.

H. C. R. No. 190, To grant Mrs. V. E. Howard permission to sue the State

H. C. R. No 171, To grant permission to sue the State.

H. B. No. 190, "An Act making the giving of any check, draft or order

for money upon any bank, firm, person or corporation, a felony, providing the person so giving such check, draft or order has not at the time of giving such check, draft or order sufficient funds deposited with such bank, firm, person or corporation to pay such check, draft or order; providing for the punishment for violation thereof; repealing Section 4 of Article 1546 of the Penal Code of the State of Texas as revised in 1925, and declaring an emergency."

H. B. No. 1104, "An Act fixing the compensation for County Commissioners in certain counties; providing the manner of payment and prescribing the funds from which it shall be paid; providing for traveling expenses for County Commissioners in certain counties; providing the manner of payment and prescribing the funds from which they shall be paid; repealing all laws or parts of laws in conflict herewith, and declaring an emergency."

#### ADJOURNMENT

On motion of Mr. Bradford, the House, at 6:05 o'clock p. m., adjourned until 10:00 o'clock a. m., tomorrow.

#### APPENDIX

#### STANDING COMMITTEE REPORTS

The Committee on State Affairs filed favorable reports on Senate Bill No. 493 and House Concurrent Resolution No. 200.

#### REPORTS OF THE COMMITTEE ON ENGROSSED BILLS

Committee Room,

Austin, Texas, June 15, 1939.

Hon. R. Emmett Morse, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 1031, A bill to be entitled "An Act appropriating the sum of One Million, Two Hundred Seventy-eight Thousand, Nine Hundred Seventy-eight (\$1,278,978.00) Dollars as a supplement to the equalization appropriations for the biennium as passed by the Forty-fifth and Forty-sixth Legislatures, provided no school shall benefit hereunder that has paid

its public funds to any person for securing legislative aid; providing the funds herein appropriated are to be expended in accordance with the provisions of this Act; providing the funds herein appropriated are to be prorated on percentage basis to those schools having had payments made on a percentage basis, to make the grants of teacher's salaries and of transportation aid, each as nearly as possible one hundred (100%) per cent; providing no school shall receive reimbursement which was not approved for payment prior to the passage of this Act, providing a penalty for violating the provisions of this Act; setting aside the sum of Eight Hundred Fourteen Thousand, Seven Hundred Sixty-nine (\$814,769.00) Dollars for salary aid; Four Hundred Sixty-three Thousand, Two Hundred Nine (\$463,209.00) Dollars for transportation; One Thousand (\$1,000.00) Dollars for administration, and declaring an emergency."

Has carefully compared same and finds it correctly engrossed.

BRIDGERS, Chairman.

Austin, Texas, June 19, 1939.

Hon. R. Emmett Morse, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. J. R. No. 45, Proposing an amendment to Article 8, Section 9, of the Constitution of the State of Texas by adding a new Section thereto to be known as Section 9-A; providing that the Commissioners Court of Red River County, after a majority vote of the resident qualified electors owning taxable property therein, shall have the authority to levy a tax of not to exceed Twenty-five (25c) Cents on the One Hundred (\$100.00) Dollar valuation for a period not exceeding fifteen (15) years for the purpose of refunding the outstanding warrant indebtedness of the General Fund of the County by the issuance of bonds under the provisions of the General Laws regulating the refunding of outstanding debts of the County; providing for the necessary proclamation; and appropriating funds to defray the expenses of the proclamation; publication and election.

Has carefully compared same and finds it correctly engrossed.

BRIDGERS, Chairman.

Austin, Texas, June 19, 1939.

Hon. R. Emmett Morse, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. C. R. No. 199, Granting permission for the District Judges of the Counties of Dallas, Harris, Bexar, Tarrant and Ellis to leave the State sometime during the years 1939 and 1940 on personal business and to take a vacation.

Has carefully compared same and finds it correctly engrossed.

BRIDGERS, Chairman.

#### REPORTS OF THE COMMITTEE ON ENROLLED BILLS

Committee Room,

Austin, Texas, June 19, 1939.

Hon. R. Emmett Morse, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. B. No. 1112, "An Act to provide that out of taxes remitted by the State of Texas by virtue of Senate Bill No. 224 of the Regular Session of the Forty-sixth Legislature to certain counties the Commissioners Court of said counties may expend Eight Thousand (\$8,000.00) Dollars for the purpose of purchasing and improving land for a State Park, and declaring an emergency."

Has carefully compared same and finds it correctly enrolled.

HAMILTON, Chairman.

Austin, Texas, June 19, 1939.

Hon. R. Emmett Morse, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. B. No. 1078, "An Act to amend Chapter 106 of the Acts of the First Called Session of the Fortieth Legislature, permitting cities of more than two hundred and eighty-five thousand (285,000) inhabitants, according to the last preceding or any future Federal Census, to make improvements on highways or roads outside the limits of such city provided such improvements do not extend more than one hundred and fifty (150) feet from such city limits, and declaring an emergency."

Has carefully compared same and finds it correctly enrolled.

HAMILTON, Chairman.

Austin, Texas, June 19, 1939.

Hon. R. Emmett Morse, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. B. No. 912, "An Act further regulating the sale, transportation, storage, manufacture, etc., of alcoholic beverages in this State under the Texas Liquor Control Act by repealing Subsection (d) of Section 3, Article I, Chapter 467, Acts of the Second Called Session of the Forty-fourth Legislature, as amended by Section 1 of House Bill No. 5, Acts of the Regular Session of the Forty-fifth Legislature; by amending Sections 11, 12, 15-b, 15c, 17, 32, 33, 35, 37, 38, 39, 41 and 45, Article I, Chapter 467, Acts of the Second Called Session of the Forty-fourth Legislature, as amended by House Bill No. 5, Acts of the Regular Session of the Forty-fifth Legislature, and Senate Bill No. 20, Acts of the First Called Session of the Forty-fifth Legislature; by amending said Act by adding to Article I thereof Sections 32-a, 39-a, 43, and 43-a providing for the holding of local option elections, regulating the issuance and transfer of licenses and permits and defining certain terms; by amending Sections 3, 6, 7, 19, 22, 23, and 26, Article II, Chapter 467, Acts of the Second Called Session of the Forty-fourth Legislature, as amended by House Bill No. 5, Acts of the Regular Session of the Forty-fifth Legislature, and as further amended by Senate Bill No. 20, Acts of the First Called Session of the Forty-fifth Legislature; by amending said Act by adding to Article II thereof Section 5-a, 10½-a, and 19-a, establishing qualifications for beer license; conferring upon cities and towns in this State the power to impose additional regulations upon the sale of alcoholic beverages; providing penalties for violations of said Act; providing for discount on purchase of alcoholic beverage stamps; providing for Senate confirmation of Administrator; providing saving clauses, and declaring an emergency."

Has carefully compared same and finds it correctly enrolled.

HAMILTON, Chairman.

Austin, Texas, June 19, 1939.

Hon. R. Emmett Morse, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. B. No. 231, "An Act to protect trade-mark owners, distributors, and the general public against injurious and uneconomic practices in the distribution of articles of standard quality under a distinguished trade-mark, brand, or name, and to facilitate fair trade; providing that no contract, if not in violation of Chapter 3, Title 19, Penal Code of the State of Texas or Title 126, Revised Civil Statutes of Texas, 1925, and if made for a period not in excess of two (2) years from the date of execution, shall be deemed in violation of any law of the State of Texas by reason of certain provisions therein; defining certain terms; making certain exceptions; making certain acts unlawful and providing a penalty therefor; regulating contracts of nonresidents; providing the Act shall not be construed as affecting laws defining and prohibiting trusts, monopolies, and conspiracies against trade, with particular reference to Chapter 3, Title 19, Penal Code of Texas, and Title 126, Revised Civil Statutes of Texas, 1925; providing a saving clause; providing a title, and declaring an emergency."

Has carefully compared same and finds it correctly enrolled.

HAMILTON, Chairman.

#### SENT TO THE GOVERNOR

June 19, 1939

House Bill No. 1078

House Bill No. 231

House Bill No. 1112

House Concurrent Resolution No. 195

House Concurrent Resolution No. 196

#### EIGHTY-SIXTH DAY

(Tuesday, June 20, 1939)

The House met at 10:00 o'clock a. m., pursuant to adjournment, and was called to order by Speaker Morse.

The roll of the House was called, and the following Members were present:

Mr. Speaker  
Allen

Allison  
Alsup